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CICERO

DE ORATORE

BOOK I

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TRANSLATED INTO ENGLISH

WITH AN INTRODUCTION BY

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INTRODUCTION

THE three books *De Oratore* seem to have been written by Cicero in the year B.C. 55. It was a time when, owing to the increasing power of the Triumvirs, there was little room for any political activity on the part of Cicero. On his recall from exile in the preceding year he had conceived some hopes of again taking a leading part in political life; but owing partly to the lukewarmness of some and the downright faithlessness of others of his old supporters, which made it impossible for him to resume his old place at the head of the optimates, and partly to the closer union produced between Pompeius and Caesar by the conference at Luca, he thought it more advisable to withdraw from public life and console himself, as was his invariable custom, with literary work.[1] The work to which he devoted himself was the present treatise, *De Oratore*; it is dedicated to his brother Quintus, and, as we are told in the introductory chapters, his choice was deter-

[1] For Cicero's position and feelings at this time see his famous letter to Lentulus (*Ad Fam.* i. 9), and a most interesting essay on Cicero and the Triumvirate in the Introduction to vol. ii. of the Correspondence of Cicero, by Professor Tyrrell.

mined by a request of his brother's that he would supplement his earlier work on the same subject, the *De Inventione*, by something more worthy of his maturer age and riper experiences as the leading orator of Rome. The treatise is thrown into the form of a dialogue, which Cicero represents as his somewhat imperfect reminiscence of a conversation which had taken place at the Tusculan villa of L. Licinius Crassus, and had been reported to him by C. Aurelius Cotta, one of the interlocutors. That some such conversation did take place, we must of course believe; but it is scarcely credible that what Cicero gives us in these three books is anything but a fancy account of what he thinks ought to have been said, or what he would have liked to have been said, on the occasion. He calls it himself a *non sane satis explicata memoria*, a fairly vague expression which may perhaps be intended to imply that he will feel at perfect liberty to draw upon his own imagination, in order to supply the missing details of the conversation. However this may be, we have a long dialogue extending through three books, and it must be confessed that, as we read it, we are apt to forget in many places that it is a dialogue at all. No doubt at times there is a good deal of dramatic play, and a lively interchange of humorous and charming remarks; but the subject of conversation at such moments is not as a rule the question of oratory, but something extraneous to the main theme. The con-

versation does not, as a rule, contribute to the argument of the dialogue, but only relieves the somewhat long-winded discourses of the chief exponents of Cicero's theory of oratory. It has been said that the *De Oratore* is 'the most finished, perhaps, of Cicero's compositions. An air of grandeur and magnificence reigns throughout. The characters of the aged Senators are finely conceived, and the whole company is invested with an almost religious majesty.'[1] This 'air of grandeur and magnificence' and almost 'religious majesty' may be what we are finding fault with, and the fault may really lie with the reader who cannot attune himself to so high a strain; but we cannot help feeling that any of the listeners might fairly have administered to Crassus at all events, if not to the other speakers, the well-known rebuke which Lamb administered to Coleridge. Crassus does unmistakeably preach, and not talk, and it is a certain relief when we reach the less pompous and comparatively everyday deliverance of Antonius.

The scene of the dialogue is laid at the Tusculan villa of L. Licinius Crassus. To this country residence he is represented as retiring for the brief holiday of the *Ludi Romani*, in the year B.C. 91. It was at a moment when political excitement was running very high. Two burning questions were before the Roman

[1] John Henry Newman, quoted by Dr. Sandys in his Introduction to the Orator, p. xlix.

public—the reform of the *judicia*, and the extension of the *civitas* to all the Italian yeomen. The champion of the party of reform was M. Livius Drusus, and he was supported by the most enlightened members of the nobility, his chief opponent being L. Marcius Philippus, the Consul. Crassus, therefore, accompanied by some of his closest political friends, took the opportunity of the interval afforded by the *Ludi Romani* to retire for a few days' rest and refreshment in the country. His companions were his father-in-law, Q. Mucius Scaevola, the Augur; Marcus Antonius, the grandfather of the triumvir; and two younger members of the party, P. Sulpicius Rufus and C. Aurelius Cotta, attached more immediately, the former to Crassus, and the latter to Antonius. The visit extended over three days. On the first day, the political situation engaged all their attention, and was made the subject of an animated discussion. On the second day, all the morning up to the hour for the siesta was spent in a discussion on oratory, which was opened by Crassus, and in which he took the leading part, Antonius only briefly replying and suggesting some limitations to the very extensive claims made by Crassus for the perfect orator. At the end of the second day, Scaevola retired to his own villa, but on the morning of the third day his place was supplied by the unexpected arrival of two other friends, Q. Lutatius Catulus, the conqueror of the Cimbri at the battle of Vercellae, and C. Julius

Caesar Strabo Vopiscus, a half-brother of Catulus, who in the second book takes some part in the dialogue as the exponent of the true theory of wit, and its place and function in oratory. On the third day the discussion was maintained till the evening. Antonius discoursed throughout the morning, with a brief interval for Caesar's deliverance on wit; and after the siesta, Crassus again took up the tale, and with but a very few interruptions from the others monopolised the afternoon.

Such is a very meagre skeleton of the contents of the three books; each of which, it should be added, has a few introductory sections. Here, in the first book, Cicero states his reasons and motives for writing the treatise, and gives in brief his own notions on the requirements of the orator; in the second, he reminds his brother of the false impression there was that Crassus and Antonius were unlearned and ignorant men, and explains how that impression arose; in the third, he deplores the untimely deaths of Crassus and Antonius, and the horrors of the Marian proscription.

It is not necessary here to give a detailed account of the *dramatis personae*; the details of their careers may be read in the Biographical Dictionary, or in the introductions to such editions of the *De Oratore* as Piderit's, Sorof's, or Dr. Wilkins'. It will be noticed that Scaevola retires after the first day; and Cicero himself, in a letter to Atticus (*Ad Att.* iv. 16, 3), tells us why

this is so. There seem to have been two reasons—the one suggested by the *Republic* of Plato, where the aged Cephalus similarly retires early in the dialogue, it not being suitable that a man of his years should sit out so long a conversation; the other because the second and third books of the *De Oratore* contain the τεχνολογία of the subject, and such a sportive old man as Scaevola (*joculatorem senem illum*) would have been an inconvenient listener to a technical discourse. This passage shows us one thing, at all events—that Cicero's treatment of the conversation, supposing it to have been historical in its origin, is so free that very little of the historical element remains. In fact, one of the chief motives for putting the treatise in the form of a historical dialogue seems to be the desire to throw the halo of the authority of such names as Crassus and Antonius over Cicero's own theory of oratory; and it is amusing to find in the course of the dialogue that both Crassus (§ 79) and Antonius (§ 95) venture on a prophecy that even a greater orator than Crassus will some day be heard in Rome. It is impossible not to believe that Cicero in these passages is thinking of his own achievements. It is noticeable also, that in several points there is so strange an identity between what Crassus is made to tell us about himself and what we know of Cicero from other works of his, that we are inclined to regard the *De Oratore* as largely autobiographical. Crassus, for instance, tells us in § 121

of his extreme nervousness whenever he began to speak; and in his speech, *Pro Cluentio* (§ 51) Cicero tells us exactly the same thing about himself. The two passages are well worth comparing, the language in them being very similar. Again, Crassus in §§ 154, 155 speaks of the literary exercises which he practised in his youth in the way of the reproduction and retranslation of passages from classical authors, Latin and Greek; and in the *Brutus* (§ 310) we hear exactly the same about Cicero. Again, in § 190 Crassus tells us that he has a scheme for reducing the civil law to a system, though he is afraid he may not be able to carry it out; and A. Gellius speaks of a book of Cicero's *qui inscriptus est de jure civili in artem redigendo.*[1] Crassus, then, may be regarded as the exponent of Cicero's views, but not exclusively so; for though Antonius in the first book attempts to put limitations to the province of the orator as defined by Crassus, yet in the second book he claims no less unlimited powers for him, so that Crassus exclaims: 'A night's rest has polished and humanised you, Antonius, we are glad to say; for in our conversation yesterday you described the orator to us as a sort of dull, monotonous galley-slave, quite destitute of any culture or polite learning'; and Antonius replies that yesterday he was only arguing for the sake of arguing, but now he feels bound to give his real opinions. Thus we may infer,

[1] See especially on this point Dr Wilkins' note on § 190.

I think, that the modifications suggested by Antonius in the first book are accepted by Cicero, though no longer as modifications but as additions to the requirements of the perfect orator; or are, at all events, incorporated in some way in the general theory.

What, then, is Cicero's theory of oratory? and what, according to him, are the necessary qualifications of the perfect orator? The briefest possible answer to this question would be—if we may be allowed to say so without disrespect to the memory of Cicero—'Let a man do exactly as I, Cicero, have done, and he will thus, and thus only, achieve the desired result.' It is impossible not to feel Cicero's perhaps pardonable vanity throughout the treatise—his proud consciousness that he was the greatest of Roman orators. He admits unreservedly the merits of his predecessors, but at the same time plainly gives us to understand that something has been added in these later days. This, surely, is the meaning of the regrets put into the mouth of Crassus that he had not been able to prepare himself as much as he could have wished for the career of an orator; of his depreciatory remarks about his own achievements and success; and of his confident anticipation of the advent of some one who will approach nearer than he has done to his ideal. The whole gist of the matter lies in the point disputed, as we learn from the introduction (§ 5), between Cicero and his brother; the former maintaining that the profoundest

learning was essential to eloquence, the latter that eloquence depended solely on natural gifts supplemented by special training. If the view of Quintus were the true one, it would be impossible, Cicero seems to argue, to account for the extreme rarity of first-rate orators; the history of the world furnishing only very few instances of men who have distinguished themselves in oratory, and this in spite of much attention having been given to the art, and many having aspired to win fame in this direction. The fact must be that eloquence demands a combination of attainments such as are each of them singly hard to be acquired. The difficulty of the subject has not been as yet fully realised; and the ordinary text-books on rhetoric, and the rules and precepts there given, are quite inadequate for the purpose for which they are designed. Cicero, therefore, proposes to give the true theory of oratory as held and set forth, not by mere professors of rhetoric, but by two of the most approved and accomplished orators that had ever addressed a Roman audience. It is as though he would impress upon his readers his own belief that eloquence is not merely a matter of certain definite principles and rules which may be learned from text-books and treatises on rhetoric, but is far rather a life's work, the result of much study and much hard work, of much knowledge and much experience. This is the view which Crassus and Antonius together impress upon the two young

aspirants to oratorical fame, Sulpicius and Cotta; Crassus emphasising rather the necessity of earnest study and universal knowledge, Antonius the necessity of much practice and actual experience of public life, while both of them insist on the antecedent necessity of certain physical gifts of voice, appearance, and carriage. The true orator is defined by Crassus (§ 64) as the man who, whatever may be the subject he is called on to elucidate by language, will speak on it with judgment, in harmonious language, in perfect style, and with accurate knowledge, all combined with a certain dignity of delivery; and though he is willing to concede that for practical purposes the orator's province may be limited to the two spheres of deliberative and forensic eloquence (ἡ συμβουλευτική and ἡ δικανική), yet he insists more than once that ideally the activity of the orator extends to all subjects of human thought and knowledge. We may therefore conclude that in Cicero's opinion the orator is the man who not only knows everything there is to be known, but can also speak on every such subject with power to persuade and to convince. This is a large claim to make for the orator, but it may be said that Cicero, for his age and times, fully satisfied it.

The definition of the orator thus given by Crassus includes five qualifications which the orator must possess—*inventio, dispositio, elocutio, memoria, actio*; the corresponding verbs and adverbs being *excogitare* and

prudenter, disponere and *composite, ornàre* and *ornate, meminisse* and *memoriter, agere* and *cum quadam actionis dignitate.* This division of the activity of the orator is not peculiar to Crassus, but is taken from the accepted text-books on rhetoric; and the advance made here by Crassus appears chiefly to lie in the contents he gives to *inventio.* In the ordinary treatises *inventio* appears to have been limited to certain technical points common to all subjects, whereas in the theory of Crassus it would seem that *inventio* is used in the widest sense—that of finding out all there is to be said on the subject in hand; and thus the way is opened for that demand for universal knowledge on the part of the orator which strikes us as so extraordinary in the *De Oratore.* There are two main subjects of knowledge which are postulated for the orator—a knowledge of moral philosophy and a knowledge of law. The former is indispensable to all oratory, because, as the orator must speak to persuade, he must be familiar with all the motives of human action, and be able to rouse or soothe at will the emotions of his auditors; he must know what effect different situations are likely to have upon the feelings of an audience, and be able to produce that effect if and when he desires. All this is well put by Antonius in § 87. The latter, a knowledge of law, is insisted on at great length by Crassus (§§ 166-203); partly, perhaps, to add to the dramatic effect of the dialogue, by way of compliment to Scaevola, who was a

distinguished member of a great legal family, partly as a natural result of social life in Rome, in which the law-courts and trials, both public and private, formed so large an element. In other matters it is conceded that the orator may get the knowledge necessary for his purpose second-hand—that he may be primed for the occasion; but this is only a reluctant concession to human weakness and indolence, and it is asserted again and again that, if the orator would be perfect, he must, to use the expression of Parson Adams in his discourse on Homer, 'comprehend all perfections'; for though such universal knowledge may not be immediately needful on every occasion and in every speech, yet it is desirable that the orator should produce in his audience the impression of having a large reserve of power upon which he can draw, of being a man of wide discourse, enjoying a large freedom and perfect mastery of his craft.

Another direction in which the traditional notions of the function of the orator are enlarged is seen in the treatment of the question whether there is 'an art of rhetoric.' In §§ 90, 92 Antonius tells the company how Charmadas, the Academic, denied there was any such thing as an art of rhetoric, because an art implies a subject-matter known and thoroughly understood, relative to a definite end, and invariable; and therefore it would follow that, as the subject-matter of oratory is as variable as human nature, rhetoric is purely em-

pirical—the view taken of it by Plato in the *Gorgias*, to which reference has already been made by Crassus (§ 47). In § 108 Crassus admits this contention of Charmadas' according to his definition of art; but goes on to substitute a less rigorous definition, whereby the art of rhetoric is made to consist of a system of rules derived by intelligent observation from the practice of speakers, and classified for ordinary use. In this way rhetoric is reinstated in the circle of the liberal arts, and at the same time delivered from the bondage of a set of hard and fast rules which admit of no variation, scope being left for the ingenuity and initiative of the individual speaker—a solution of the difficulty which is warmly welcomed by Antonius.

Two other points which Crassus emphasises remain to be mentioned, in order to complete our account of Cicero's theory of oratory. The first of these, to which reference has already been made, is the necessity of certain natural gifts. To these so much importance is attached, that we are almost forced to conclude that in the bottom of his heart Cicero believed that the orator, like his next-of-kin the poet, *nascitur non fit*. These physical qualifications are mobility of tongue, tone of voice, power of lung, good physique, and a certain conformation of feature and general pose of limb. Defects in these respects may be partially obviated or removed—as, for instance, Demosthenes cured his stammer, and there have been men who have

made some mark as speakers in spite of such defects; but for the perfection of oratory these physical advantages are necessary, and all the more so because, though in the kindred profession of the actor we can tolerate some deficiency in these respects, since there are other things to engage our interest and fix our attention, yet in oratory, where our attention is concentrated on the speaker alone, anything in him that jars on us or offends our taste has a prejudicial effect on his whole performance. This is combated by Antonius in his reply, and it would seem with reason and common sense on his side. The second of these points is the necessity of careful preliminary training, the devotion of a lover to one's art. This training must consist in the critical study of the best authors, Greek and Roman; in declamation exercises, both *ex tempore* and prepared; in physical exercises for the management of the voice and the limbs; and, above all, in much written composition. The importance attached to the use of the pen is rather interesting; showing, as it does, what must have been the actual practice of Cicero. According to him, not only does a constant habit of writing give ease and fluency to the orator's style, but the mere process of writing is actually provocative of thought. So much stress is laid on this that we may, I think, conclude that Cicero was in the habit of writing out his speeches in full before they were delivered. Another advantage of the habit, also, is stated to be

that, as a result of it, even purely *ex tempore* speeches will have a readier and more continuous flow. All these demands made by Crassus on the industry of the oratorical student are rather demurred to by Antonius in his speech (§§ 207-262), and several modifications of them are suggested; unless, indeed, we are to suppose that Antonius' admission in the second book (§ 40), to which reference has already been made, is to be taken as a full retractation of all he says in the first. May we not rather conclude that in the person of Crassus Cicero gives his counsel of perfection, but in that of Antonius admits that it is not given to every one to attain perfection, and that amid the wear and tear of the busy life of an imperial State like Rome we must content ourselves with a performance that falls somewhat short of the ideal?

I feel that I ought not to let this translation appear before the public without stating that it was originally made without any idea of publication whatever. I happened to be reading the *De Oratore* with the VIth Form at Clifton some few terms ago; and, feeling that the chief difficulty of such a book was to translate it into natural English, as I went along I translated each lesson on paper and read my version to the form

at the end of the lecture. Hence I have freely adopted in the translation anything that seemed of value in the labours of others, as my aim was not to be original, but to give my pupils a model that might be worthy in some measure of their imitation. One book in particular I have freely used, and that is Dr. Wilkins' edition of this treatise; and I hope that, if he should think this book of mine worthy of his notice, he will on this account pardon such borrowings as I have made from him. Since I have been persuaded to publish my version, I have in some cases tried to alter what I had taken from his notes; but I have found myself in the same difficulty as Crassus was with regard to the writings of Ennius and Gracchus—the words which are most suitable have been already appropriated by Dr. Wilkins, and I have been unable to make alterations without loss. The other edition of the *De Oratore* I have used is Sorof's (Berlin, 1882), and I have adopted his text throughout, except in one place. The task I set before myself was to translate the original as literally as it was possible so to do, and yet produce a readable English version; I endeavoured, though I fear it may sound a somewhat vain ambition, to let my English retain something of the Ciceronian style. No one knows better than myself how far short of my aim the performance has fallen; but I have deliberately all through the work allowed the Latin to form my style so far as seemed consistent with English idiom. It

would have been wiser, perhaps, to have taken Addison or some other English classic as a model, and to have written the translation in his style. But, to say nothing of my inability to do this, such was not my object; my object was, if possible, to let Cicero dominate my expression, so that my English version might retain some suggestion of his sustained periods. Above all things, I would emphasise the fact that the translation, such as it is, was made for teaching purposes. I believe at the time it had some use as helping my pupils to get some notion of Ciceronian Latin; and if others should find it helpful in a similar way, I should feel that the publication of it was in some degree justified. I publish it, I must confess, reluctantly, and only at the repeated request of my friend, Mr. H. F. Fox. I do not view with much pleasure the multiplication of translations of the Greek and Latin classics, but I was unwilling to appear ungracious to so old a friend; and I was the more easily persuaded to consent, because the *De Oratore* is not a book that is read much, and, if read, it should be read rapidly and in large pieces at a time. It also seemed to me that such a translation as the present might perhaps be useful for the purpose of learning Latin Prose Composition, especially in the case of those who have no one to guide them and correct their exercises.

I cannot conclude this introduction without a word of hearty thanks to my friend and past colleague, Mr.

H. G. Dakyns, who has most generously read through all the proof-sheets of the translation, suggested many improvements, and saved me from many errors; no one could have taken more trouble over his own work than he has over mine.

E. N. P. MOOR.

CLIFTON, *January* 1892.

CICERO DE ORATORE

BOOK I.

WHENEVER my thoughts and remini- I
scences take me back to the old days,
my dear brother, I am always struck
with the extreme felicity of those who,
in the best days of our country's history, were distin-
guished both by official position and by their brilliant
services to the state, and yet were able to maintain a
life of such even tenor that they could as they pleased
enjoy political activity without danger, or retirement
without loss of honour. There was a time, indeed, when
I thought that I too should be able to claim, with
the almost universal consent of my fellow-countrymen,
a moment for retiring and for turning my attention
once more to those higher studies to which we are
both of us devoted, if only some pause should come
in the endless labours of public life and the engrossing
occupations of a candidate for election, when my
official career was closed and the prime of my life
was past. This hope, which was present in all my 2
thoughts and purposes, was disappointed by a com-
bination of disastrous political events and various
domestic misfortunes; for where I expected to find a
most ample haven of rest and tranquillity, I was

confronted by an overwhelming flood of vexation and a tempestuous storm of trouble, and as a matter of fact, much as I have wished and desired it, I have never been vouchsafed any enjoyment of leisure in which to prosecute and renew with you those studies to which from our boyhood we have been devoted.
3 Thus my early years just coincided with the first collapse of old political principles, my consulship brought me into the very centre and heat of the political struggle, and all my energies between my consulship and the present time I have devoted to stemming the waves which were by my policy diverted from overwhelming the country, only to recoil upon me and mine. However, even in spite of present hindrances, whether political difficulties or limitations of time, I will indulge the tastes which we share together, and what leisure is allowed me either by the evil designs of political enemies or the calls of friendship and public duty, I shall devote exclusively to literary
4 work. Certainly to your command or your request, my dear brother, I cannot be indifferent; for there is no one whose authority or wishes can have more weight with me than yours.

II I MUST therefore now try to recall to mind a story I heard some time ago. I have not a very distinct remembrance of it, but it will be sufficient, I think, for your purpose, and it will show you what has been the opinion of the greatest and most famous orators on the
5 general theory of oratory. You have often expressed to me a wish that since the rude and imperfect work

which fell from my pen in my boyhood or early manhood, the mere jottings from my note-books, is scarcely worthy of my present years and the experience I have gained from the numerous and important cases in which I have pleaded, I should therefore publish something on the same subject more finished and complete. At the same time in our discussions together you occasionally differ from me on this question, arguing that whereas I hold that eloquence is inseparable from all the accomplishments of the profoundest erudition, you consider that it ought to be kept quite distinct from the higher learning, and made to rest on a certain combination of natural gifts and training. For my own part, 6
when I contemplate the world's greatest and most gifted men, it has often seemed to me a question well worth the asking, why it is that more men have won distinction in all the other arts than in oratory; for, turn your thoughts and attention where you will, you will find that in any given branch of art (in those of the highest importance, I may say, as well as in the less important) a very large number have attained to excellence. No one, I suppose, if he 7
chooses to estimate the accomplishments of great men by the utility or by the grandeur of their achievements, would hesitate to give the general precedence over the orator; but no one can doubt that military leaders of consummate merit have been produced by this single country in almost countless numbers, whereas of excellence in oratory we can only with difficulty cite a few examples. Of men, too, 8

able by their wisdom and counsel to direct and guide the state, we have known many within our own memory; still more were known within the memory of our fathers and even in the ages before them; whereas for many centuries we find no good orators, barely indeed one tolerable representative of the art for each generation. It may, indeed, occur to an objector that oratory ought to be compared with other pursuits such as deal with more abstruse subjects and imply a wide acquaintance with literature, rather than with the excellence of a general or the practical wisdom of the good statesman; but let him only turn to such other branches of study, and observe how numerous are the distinguished names in each, and he will very easily realise what a great paucity of orators there is, and always has been.

III YOU are no doubt well aware that of all the liberal
9 arts in high repute philosophy is considered by the learned to be the mother, and 'the great original,' if I may borrow the expression; yet in philosophy it is difficult to enumerate how many men there have been of the greatest knowledge, of many-sided interests and rich endowments, who have not only done good work as specialists in some one department, but have covered the whole range of knowledge possible to them, either in their direct search after
10 truth, or in their dialectical discussions. We all know what obscure subjects are handled in mathematics, how abstruse a science it is, how complicated,

how exact, and yet so many have attained to perfection in it that no one, we may almost say, has given his serious attention to this science and not achieved success. Is there an instance of any one devoting himself to music, or the now fashionable study of language professed by the grammarians, as they are called, and failing to acquire a thorough knowledge of the almost unlimited range and subject-matter of those branches of learning? I think I may truly say 11
that of the whole number of those who have engaged in the pursuit and acquirement of the liberal arts, the smallest contingent is that of first-rate poets and orators;[1] and further, within this small contingent in which instances of real excellence are very rare, you will find by a careful selection of examples for comparison from the history both of Rome and Greece, that there have been far fewer good orators than good poets. And this must strike us as all the more sur- 12
prising, because the subjects of all the other arts are drawn as a rule from remote and abstruse sources, whereas the whole province of oratory is within reach of every one, and finds its subject-matter in the practically universal experience of men and their ordinary manners and conversation; so that while in the other arts the highest excellence is found where there is the furthest remove from the intelligence and appreciation of the unlearned, in the orator, on the contrary, it

[1] Here I have deserted Sorof's text, for the simple reason that I can get no satisfactory meaning out of it, without supposing Cicero guilty of a looseness of expression which seems inconceivable in so careful a piece of writing as this.

is a fault of the very gravest character to be out of harmony with the language of every-day life, and the accepted usage of men of ordinary taste and intelligence.

IV AND we cannot either (in explanation of this)
13 maintain with any truth that more devote themselves to the other arts, or that those who do so are encouraged to master their subject by the greater pleasure of the work, or by higher hopes of success, or by more splendid prizes. In fact, to say nothing of Greece, which has always claimed to be first in eloquence, and of that mother of all the arts, the city of Athens, where the art of rhetoric was invented and attained its highest development, in our own country, even, no study surely has ever had a more vigorous
14 life than the study of oratory. For when after the establishment of our world-wide empire a lengthened peace secured to us the enjoyment of leisure, there was hardly a young man of any ambition who did not think that he ought to put forth all his energy to make himself an orator. At first, indeed, our countrymen in total ignorance of the theory, and believing neither in the virtue of training, nor in the existence of any particular rule of art, attained to what success they could by the help of native wit and invention; subsequently, after they had heard the Greek orators, studied Greek literature, and called in the aid of Greek teachers, they were fired with a really marvel-
15 lous zeal for learning the art. They were encouraged by the importance, the variety, and the number of

causes of every description, to supplement the learning, which they had severally gained from private study, by constant practice, and found this better than the instructions of all the professors. Further, to this pursuit then, as now, the highest prizes were offered whether in the way of popularity, or influence, or position. Finally, in respect of ability, as many indications lead us to conclude, our countrymen have always been far superior to any other nation in the world. All these considerations may surely justify 16
some surprise at the fact that the history of all ages, periods, and communities presents us with so small a number of orators. The truth of the matter is, that this accomplishment is something greater than it is generally supposed to be, and is the combined result of many arts and many studies.

FOR when we consider the very large number of V
learners, the rich supply of teachers, the exceptional abilities of the persons engaged, the infinite variety of causes, the splendour of the prizes which eloquence may win, where else can we look for the explanation of the fact, except in the really incredible greatness and difficulty of the subject? Eloquence, 17
in fact, requires many things: a wide knowledge of very many subjects (verbal fluency without this being worthless and even ridiculous), a style, too, carefully formed not merely by selection, but by arrangement of words, and a thorough familiarity with all the feelings which nature has given to man, because the whole force and art of the orator must be put forth in

allaying or exciting the emotions of his audience. Further than this it requires a certain play of humour and wit, a liberal culture, a readiness and brevity in reply and attack, combined with a nice delicacy and
18 refinement of manner. It requires also an acquaintance with all history, and a store of instances, nor can it dispense with a knowledge of the statute-books and all civil law. I need hardly add, I presume, any remarks on mere delivery. This must be combined with appropriate movement of the body, gestures, looks, and modulation and variety of tone. How important this is in itself may be seen from the insignificant art of the actor and the procedure of the stage; for though all actors pay great attention to the due management of their features, voice, and gestures, it is a matter of common notoriety how few there are, or have been, whom we can watch without discomfort. One word I must add on memory, the treasure-house of all knowledge. Unless the orator calls in the aid of memory to retain the matter and the words with which thought and study have furnished him, all his other merits, however brilliant, we know will lose their
19 effect. We may therefore well cease to wonder why it is that real orators are so few, seeing that eloquence depends on a combination of accomplishments, in each one of which it is no slight matter to achieve success; let us rather urge our children, and all others whose fame and reputation is dear to us, to realise the greatness of the task, and to believe that though they cannot attain to the goal of their ambition by the help of those rules, or teachers, or exercises which are

in general use, there are certain others which will enable them to do so.

MY own private opinion is, that no one can be a VI
real orator in the full sense of the word unless 20
he first acquires a knowledge of all the great subjects of
human study; for a wide knowledge is needed to give
a luxuriance and richness to language which, unless
the speaker has thoroughly mastered his subject,
suffers from what I may perhaps call a puerile vapidity
of expression. Still I would not lay so great a burden 21
on the orator, especially in our own country amid the
urgent calls of the city-life of to-day, as to think that
there is nothing of which they may enjoy the privilege
of ignorance; although the very meaning of the word
'orator,' and the mere profession of eloquence, seems
to imply a promise and undertaking to speak in good
style, and with full knowledge, on any subject which
may be proposed. This I am very sure most men 22
would consider a task of incalculable and infinite
difficulty. The Greeks also, I know, rich as they were
not only in native wit and acquired learning, but also
in leisure and enthusiasm for study, made a certain
division of the arts, and did not devote their efforts
individually to even one department as a whole, but
separated from the other provinces of speech that
particular subdivision which is concerned with the
public discussions of the law-courts and deliberative
assemblies, and assigned this only to the orator. For
these reasons I shall not in this present treatise
include more than what has been, after careful inquiry

and much discussion, allotted to this division of the art by the all but unanimous judgment of the highest
23 authorities; and I shall not go back to the beggarly elements of the old-fashioned teaching which we received in our boyhood for any definite system of rules, but I will repeat to you the substance of a conversation which I have been told took place on a certain occasion between some of the greatest orators and leading statesmen of our own country. Pray do not imagine that I would reject the rules which the Greek professors of rhetoric have left to us, but as they are public property, and within the reach of every one, and cannot in any translation of mine be either set forth with better grace or expressed in clearer language than they are, you will I daresay, my dear brother, forgive me if I prefer to any Greek professor the authority of those to whom the highest place on the roll of orators has been conceded by the Roman world.

VII WE must go back to the time when the Consul
24 Philippus was making a fierce attack on the policy of the leading nobility, and when the tribunician power of Drusus, whose object was to maintain the authority of the senate, was beginning to all appearance to lose its influence and stability. At this juncture L. Crassus, I remember being told, retired in the week of the Roman Games to his villa at Tusculum to recruit his forces; he was joined there, I was told, by his late wife's father, Quintus Mucius, and by Marcus Antonius, who was connected with

Crassus by ties of political sympathy and a strong personal friendship. There also left Rome in attend- 25
ance on Crassus two young men, who were at once personal friends of Drusus, and of such a character that their elder contemporaries at that time looked to them with considerable confidence to uphold the dignity of the party; these were Caius Cotta, who was standing for the tribuneship of the plebs at the time, and Publius Sulpicius, who was thought a probable candidate for that office in succession to him. On 26
the first day they had an earnest conversation, which was prolonged till the evening, on the political crisis and the general situation of affairs,—this, in fact, being the motive of their visit. And in the course of their conversation, as Cotta used to tell me, these three ex-consuls deeply deplored the signs of the times, and dwelt on them with such prophetic insight, that no misfortune subsequently befell the state which they had not even at that time seen to be impending; but, the conversation once finished, so great 27
was the geniality of Crassus, that after the company had taken their bath and sat down to dinner all the gloom of the preceding discussion was entirely removed, and such was the fund of cheerfulness in the man, and so charming his power of pleasantry, that though the day seemed to have been spent in the atmosphere of the senate-house, the dinner-party was truly worthy of the retirement of Tusculum. On the 28
next day, after the older members of the party were sufficiently rested, and they had all met on the terrace, Scævola, when they had taken two or three turns, said,

'Why not do as Socrates does, Crassus, in the Phædrus of Plato? The thought is suggested to me by your plane-tree here, which, with its spreading branches, makes a no less perfect shade for this spot than the tree whose shade Socrates sought, which seems to me to have owed its luxuriant growth not so much to the rivulet described in the dialogue, as to Plato's pen; and surely what Socrates with his horny feet did, threw himself, that is, on the grass, and so delivered those divine utterances which the philosophers attribute to him, this I with my softer feet may more
29 fairly be allowed to do.' Crassus rejoined, 'Nay, let us do so with an added comfort,' and called for some cushions, and then they all sat down on the benches beneath the plane-tree.

VIII WHILE they sat there, as Cotta used to tell the story, in order to refresh the minds of the company after the conversation of the previous day, Crassus started a discussion on oratory. He began by
30 saying that Sulpicius and Cotta did not, as it seemed, so much need encouragement from him as deserve his hearty commendation, in that they had already attained to such proficiency that they not only outstripped their contemporaries, but challenged comparison with their seniors; and, 'believe me,' he continued, 'nothing seems to me a nobler ambition than to be able to hold by your eloquence the minds of men, to captivate their wills, to move them to and fro in whatever direction you please. This art of all others has ever found its fullest development in every free community, and more

especially in states enjoying peace and tranquillity, and has ever exercised a dominant influence. What 31
indeed is so truly wonderful as that out of an infinite number of men one man should stand forth able alone, or with few others, to use with effect what is really nature's gift to all? What pleasure is greater to mind or ear than a speech adorned with wise sentiments and weighty words and in perfect style? Can we imagine a more imposing display of individual power than that the passions of a people, the consciences of a jury, the grave deliberations of a senate, should be swayed by one man's utterance? What, again, is so 32
royal an exercise of liberality and munificence as to bring help to the distressed, to raise the afflicted, to protect the rights of our fellow-citizens, to free them from danger, and save them from exile? What, moreover, is so practically useful as always to have in your grasp a weapon with which you can secure your own safety, attack the enemies of the state, or avenge yourself when provoked by them? Or once more, not to be always thinking of the forum, its courts of justice, public meetings, and senate, what greater enjoyment can there be in times of leisure, what greater intellectual treat than the brilliant discourse of a perfect scholar? It is in fact this one characteristic that gives us our chief superiority over the brute creation, the habit, I mean, of conversing with one another, and the power of expressing our feelings in words. This power, then, every one may well 33
admire, and may well think that his best energies must be exerted to make himself superior to his

fellow-men in that special gift which gives them their chief superiority over brute beasts. Finally, to come to what are the main advantages of speech, what other power could have gathered the scattered members of the human race into one place, or weaned them from a wild and savage life to the humane and civilised life of citizens, or, when their various communities were once established, could have defined for them their laws, their judicial procedure, and
34 their rights? Its further advantages, which are well-nigh innumerable, I will not follow out in detail, but will comprise them in one brief sentence:—my deliberate opinion is, that the controlling influence and wisdom of the consummate orator is the main security, not merely for his own personal reputation, but for the safety of countless individuals, and the welfare of the country at large. For these reasons, my young friends, continue your present efforts, and devote yourselves to the pursuit which now engages you, that so you may be enabled to win distinction for yourselves, to benefit your friends, and to promote the best interests of your country.'

IX THEN *Scævola*, with his habitual courtesy, said:
35 'In everything else I quite agree with Crassus, having no desire to depreciate either the accomplishments or the reputation of my father-in-law C. Lælius, or of my own son-in-law; but there are two statements of yours, Crassus, which I fear I cannot admit; the one, that orators were originally the founders and often the

saviours of states; the other, that the orator, without limiting him to the various departments of public life, has attained perfection in every subject of discourse and polite learning. In the first place, who can agree 36
with you either that originally mankind, when dispersed over the mountains and forests, were not forced by the wise action of far-seeing spirits, but rather won by the persuasive words of the eloquent to fence themselves round in walled towns? Or again, that other useful dispositions, whether in the way of establishing or maintaining civilised communities, owed their origin to the eloquence of men of clever speech, rather than to the wisdom of men of resolute action? You surely 37
cannot think that Romulus either collected his shepherds and refugees, or established inter-marriage with the Sabines, or checked the violence of neighbouring tribes by the power of eloquence, and not by the extraordinary wisdom of his policy. Look again at the history of Numa Pompilius, or Servius Tullius, and the other kings who notably did much towards the consolidation of the state; is it their eloquence of which we see the effects? Then again, after the expulsion of the kings—the actual expulsion of course was plainly the work of the brain, and not the tongue of Brutus; but the immediate sequel—does it not present a series of wise actions with a complete absence of mere words? Indeed, if I cared to quote from the history of our own 38
country and others, I could instance more cases of loss inflicted upon communities by the agency of men of the greatest eloquence than of advantages owed to them; but omitting all others, I fancy the most

eloquent men I have ever heard, with the exception of you and Antonius, were the two Gracchi, Tiberius and Caius, whose father, a man of sound sense and sterling character, but by no means eloquent, often did good service to his country, and especially in his censorship; he, you know, by no flood of elaborate eloquence, but by the mere expression of his will, transferred all freedmen into the city tribes, and but for this measure of his, what little of the old constitution still survives would long have ceased to exist. But those eloquent sons of his, ready speakers as they were, with all their advantages whether of nature or learning, born citizens of a country to which their father's policy and their grandfather's arms had brought great prosperity, squandered the resources of the state by the help of what, according to you, is so excellent a director of the communities of men—the power of eloquence.

X CONSIDER again our ancient laws and traditional
39 usages, our auspices over which I, no less than you, Crassus, preside for the preservation of our country; our religious observances and ceremonies; the body of civil law which has for generations been domesticated in my family, though none of us has ever been famous as an orator; do these owe anything in respect of origin, interpretation, or even general treatment to
40 the representatives of oratory? Indeed, if my memory serves me, Servius Galba, a very gifted speaker, M. Æmilius Porcina, and our friend Caius Carbo, the victim of your youthful efforts, knew nothing of statute law,

boggled over traditional usage, and had little acquaintance with civil law; and, with the exception of you, my friend, who owe to your own enthusiasm more than to any special gift peculiar to the orator the knowledge of civil law which you have learnt from me, our own age is ignorant of law to an extent that sometimes makes one blush for it. As to the assump- 41
tion which you made at the end of your remarks, with all the assurance of an unquestioned title, that the orator can be perfectly at home and is never at a loss in a discussion upon any topic, I should have scouted it at once, were you not here lord of all you survey, and I should have instructed a host of litigants who would either contest your claims by a prætor's injunction or challenge you to prove your title by process of law, as having committed a rash and violent seizure of the domains of others. For first of 42
all the Pythagoreans would go to law with you, and the Democriteans and all the other physicists would appear in court to assert their claims, all of them accomplished and weighty speakers, against whom you could not possibly make out a tenable case. Another heavy attack would come from the schools of the moral philosophers, beginning with Socrates, their first founder, proving that you had learnt nothing, made no inquiries, and knew nothing about the good and evil in human affairs, the emotions and the habits of men, or the true theory of life. Then, after they had made a combined attack upon you, each school would bring its separate action against you. The 43
Academy would be upon you, forcing you to contradict

with your own lips anything and everything you said; our friends the Stoics would hopelessly entrap you in the subtleties of their arguments and interrogations; while the Peripatetics would prove triumphantly that you must go to them for those very things which you believe to be the special requirements and ornaments of the orator, and would demonstrate that Aristotle and Theophrastus had written much better, and much more too, on these subjects than all the professed
44 teachers of rhetoric. I say nothing of the mathematicians, grammarians, and musicians with whose arts your oratorical faculty has not even the most distant connection. For these reasons, Crassus, my opinion is that the large and comprehensive claims you make are quite beyond the mark. You must content yourself with this—and it is no slight thing—that you can guarantee that in the law-courts any case in which you plead will seem the stronger and more plausible, that in the national assembly and in the senate a speech from you will have most power to persuade; that you, in short, will produce an impression in professional men of the ability, in laymen of the truth, of your contention. If you succeed in doing more than this, the success I shall attribute not to the orator, but to some special gift attaching to the personality of the speaker.'

XI *CRASSUS*: 'I am fully aware, Scævola, that such are
45 the assertions made and the arguments habitually used by the Greeks; for I attended the lectures of their chief men when I stayed at Athens on my re-

turn from Macedonia, at a time, as I was told, of great prosperity with the Academy, when Charmadas, Clitomachus, and Æschines were its leading spirits. Metrodorus also was there, who, as well as they, had been a constant attendant at the lectures of the great Carneades, who was said to have been a speaker of exceptional vigour and the widest knowledge. Mnesarchus, also, a pupil of your hero Panætius, was in full activity, and Diodorus, a pupil of Critolaus the Peripatetic. Besides these there were many well- 46
known lights of the philosophic world, all of whom I observed with almost one consent rejected the orator from the guidance of political affairs, debarred him from all learning and knowledge of more important subjects, and consigned and confined him to the law-courts and the hustings, as a slave to a pounding-mill.
But I was not inclined to agree either with them or 47
with the first and leading author of such discussions as the present, by far the most convincing and eloquent of all the philosophers, I mean Plato, whose "Gorgias" I read very carefully with Charmadas on this occasion at Athens; and indeed what struck me most in reading this dialogue was, that Plato, while satirising the orators, seemed himself to be the greatest orator of them all. The fact is, a mere verbal dispute has long been exercising the ingenuity of our friends the Greeks, who dearly love an argument and never mind the truth. For if we define the orator as the man 48
who can speak with fluency only before the prætor, or before the bench, or in the popular assembly, or in the senate, still, even under these limitations there are many

other qualifications which we must allow him; for he cannot deal even with such matters with due judgment and skill without close application to public affairs, without a knowledge of statutes, customs, and law, or without much insight into the nature and characters of men. Without these qualifications no one in any question he is dealing with can be quite safe even on the minor points of judgment and skill, and with them, surely, he cannot be wanting in knowledge on the most important subjects. If you will not allow any function to the orator, save that of expressing himself adequately in point of arrangement, style, and matter, then I ask how can he achieve even that without the further knowledge which you with others do not allow him? For the true virtue of rhetoric cannot have full play, unless the speaker has mastered the subject on
49 which he intends to speak. Thus if the famous physicist Democritus expressed himself in admirable style (and on this point my own opinion coincides with the accepted tradition), while the subject-matter of his discourses is that of the physical philosopher, the style and language of them, we must believe, is that of the orator; and if Plato discoursed in most perfect language on subjects most remote from ordinary political questions; if likewise Aristotle, Theophrastus, and Carneades in their lectures proved themselves men of eloquence with all the charm of a polished style; the subjects of which they treat I readily admit belong to other branches of learning, but their language falls entirely within the one province which we
50 are now discussing and investigating. Indeed we see

that certain philosophers have treated of the same subjects in a meagre and jejune style, as, for instance, Chrysippus, who is spoken of for his extraordinary acuteness; but he did not therefore fail to satisfy the requirements of the philosopher, because he did not possess the gift of expression, which is the outcome of an entirely different branch of study.

WHAT is it then that makes the difference, and XII
how are we to distinguish the rich and copious diction of the philosophers I have named from the meagre diction of those who have not the same variety and grace of language at their command? Surely the one differentia of these more eloquent philosophers we shall find to be that they bring to their work a style at once harmonious and eloquent, and distinguished by a certain note of artistic finish; and such a style, if not supported by a thorough knowledge of his subject on the part of the speaker, must either be conspicuous by its absence, or else provoke general derision. For 51
nothing, surely, can be so idiotic as a mere jingle of words, be they as choice and perfect as you will, if there is no meaning or knowledge underlying them. Whatever then his subject may be, to whatever science it may belong and of whatever kind, the orator, if he has studied it as he would a brief, will speak on it with more skill and in better language than even the man who has made some original discovery or has technical skill in that special line. If I am 52
met by the objection that there are certain trains of thought and questions appropriate to the orator,

and a knowledge of certain subjects clearly defined by the limits of public life, I am quite ready to admit that it is with such subjects our profession as speakers is most constantly employed, but at the same time, even in connection with these, there is very much that does not fall within the teaching or apprehension
53 of the ordinary professors of rhetoric. Thus, as every one knows, the virtue of oratory is most effectively displayed in arousing the anger, disgust, or indignation of an audience, or in turning them from such excitement of feeling to mercy and pity; and here no one but a man who has made himself thoroughly familiar with the characters of men, and the whole range of human feeling, and the motives whereby men's minds are excited or calmed, will ever be able to produce by
54 his words the effect which he desires. This whole topic is of course generally considered to be the special province of the philosopher, nor will the orator with my sanction at all demur to this; but conceding to the philosophers the mere knowledge of such subjects, because they have chosen to concentrate all their efforts in that direction, he will further make himself responsible for the oratorical treatment of them, for which a knowledge of them is absolutely indispensable; for the special province of the orator is, as I have said already more than once, to express himself in a style at once impressive and artistic and conformable with the thoughts and feelings of human nature.

XIII THAT Aristotle and Theophrastus have written on
55 this subject, I admit; but does not this, Scævola,

entirely confirm my contention? For where they and the orator are on common ground, I do not borrow from them; whereas they admit that their discourses on this subject belong to oratory, and therefore, while they give to their other treatises the title proper to their own profession, these they entitle "rhetorical," and refer to them under that name. Thus when, as 56
very often happens, occasion arises in the course of a speech for the ordinary commonplaces, when the speaker has to enlarge upon the immortal gods, natural affection, kindly feeling, friendship, the common rights of humanity, justice, temperance, magnanimity, and all the other virtues, the cry will be raised, I suppose, by all the philosophical schools and sects that all this is their special province in which the orator has neither part nor parcel; but for my part, while I am ready to concede to them the right of discussing these subjects in the study by way of pastime, I shall still assign and allot to the orator the power of enlarging, with all the charm of impressive eloquence, on the same themes which they debate in the meagre and lifeless language of the parlour. This was the line of argument I 57
adopted with the philosophers at Athens, being urged to do so by our friend Marcus Marcellus, who is now curule ædile, and would, I am sure, be here to take part in our present discussion, if it were not for his official duties at the Games; indeed, even then, though a mere youth, he was an enthusiastic student of rhetoric. Again, when question arises about laws and 58
contracts, about war and peace, about allies and tributaries, about the rights of the citizens, distinguished

according to their different classes and ages, the Greeks are quite welcome to say, if they like, that Lycurgus and Solon (though, by the way, I am of opinion that they ought to be reckoned among the representatives of eloquence) had better knowledge than Hyperides or Demosthenes, two quite consummate masters of the most polished eloquence; or the Roman is welcome in this matter to prefer the decemvirs, who drew up the XII Tables and must therefore have been sagacious statesmen, to Servius Galba and your father-in-law Caius Lælius, who it is generally admitted were the
59 leading orators of their day; for while I have no wish to deny that there are certain departments of the art special to those who have concentrated all their energies on the investigation and exposition of those departments, I do maintain that the complete and perfect orator is he who can speak on all subjects with fluency and variety.

XIV SURELY, it often happens that in cases which are admittedly the proper province of the orator, some topic arises for which the speaker has to draw, not on his practical experience of political life, which is all that you allow to the orator, but on the resources of some less familiar science, and he has to borrow from
60 it. For instance, can a speech, I ask, either against or on behalf of a general, be made without some familiarity with military affairs, or, often, without some geographical knowledge of localities? Can a speech be made before the assembly either against or in support of a proposed law, or in the senate on any

general question of state administration, without considerable knowledge both theoretical and practical of state affairs? Can the power of language be applied to the exciting or even allaying of the emotions and feelings of an audience, which is a thing of primary importance in an orator, without a most careful study of all those theories which are put forth by philosophy on the different natures and characters of men? Lastly, 61
though I very much doubt whether I shall make my contention good to your satisfaction, I will not hesitate to assert my sincere belief, that while questions of physics and mathematics, and all those others which you just now laid down as special to the other branches of science, fall within the knowledge of those who make such studies their business, yet if any one wishes to elucidate such subjects rhetorically, he must apply for aid to the oratorical faculty. For though it is an 62
admitted fact that the famous architect Philo, who built the arsenal at Athens, explained his design to the assembly in a very able speech, we must not therefore suppose that the virtue of his speech was due to his skill as an architect rather than to his skill as an orator. Nor, again, if our friend Antonius here had had to speak for Hermodorus on the design of his dockyard, would he, with previous instructions from Hermodorus, have failed to speak in admirable style and with adequate knowledge on another's handiwork. Nor, again, did Asclepiades, whom we knew not only as a doctor, but as a friend, in so far as he used to speak in admirable style, represent the medical so much as the oratorical faculty. Indeed what Socrates used to 63

say is more tenable, though not true, that every one can be sufficiently eloquent on a subject which he knows; the real truth being, that no one can either be eloquent on a subject he does not know, or speak well on any particular subject he does know, even if he has perfect knowledge of it, but has no skill in the artistic composition of speeches.

XV THEREFORE, if what is desired is a comprehensive
64 definition of the special faculty of the orator as a whole, the true orator, in my opinion, the man really worthy of this grand name, will be he who, whatever subject may arise for elucidation by language, will speak on this with judgment, in harmonious language, in perfect style, and with accuracy, all combined with a
65 certain dignity of delivery. If the term I have used, "on any subject whatever," seems to any one too extravagant, he or any one else is welcome to trim and prune my definition in this direction as much as they like; but this I will hold to, that even if the orator has no knowledge of those matters which lie within the range of the other arts and branches of study, but only understands those which come within the debates and discussions of public life, still if he has to speak on such extraneous subjects, the orator, after instructions on the particular points involved in each case from those who do understand them, will speak far better than
66 those who have special knowledge of them. Thus if Sulpicius should have occasion to speak on a military question, he will make inquiries of our connection, Caius Marius, and when he has received his answer,

he will deliver himself in such a way as to give even Marius the impression that he knows his subject better than his informant. If he has to speak on a point of law, he will put himself in communication with you, Scævola, and thanks to his oratorical skill will surpass even so learned and experienced a lawyer as yourself in his treatment of those subjects on which he has been instructed by you. If, again, occasion should 67
arise when he has to speak about human nature, the vices and desires of men, about moderation and temperance, about pain or death, he will perhaps, if it seem advisable—though the orator ought to be familiar with such subjects—consult with that learned philosopher Sextus Pompeius. One thing I am confident he will do, whatever the subject and whoever his informant, he will speak on it in far better style than the man from whom he gained his information. But if he will 68
take my advice, as philosophy is divided into three parts, the investigation of the secrets of nature, the subtleties of dialectic, the study of life and morals, let us pass by the first two as a concession to our indolence; but unless we hold to the third, which has always been one of the orator's subjects, we shall leave the orator nothing in which he can be really great. This topic, therefore, of life and morals, must be 69
thoroughly mastered by the orator; the other subjects, though he may not have studied them, he will be able, if need be, to treat oratorically if he is put in possession of the necessary material.

XVI FOR if the learned world is agreed that Aratus,
though quite ignorant of astronomy, has com-
posed a most eloquent and artistic poem on the
heavens and the stars, and that Nicander of Colophon,
though he never had anything to do with agri-
culture, has written a noble poem on country life
by virtue of his poetical faculty and not from any
knowledge of rustic lore, why should not the orator
be able to speak with the eloquence of a master on
subjects which he has only studied for a particular case
70 and occasion? For the poet is very near akin to the
orator, being somewhat more restricted in his rhythms,
though freer in his choice of words, but in many of his
methods of ornament his fellow and almost his equal;
in this respect, at all events, nearly the same, in so far
as he recognises no limitations to his full and perfect
right of expatiating in whatever field he pleases with
71 the same mastery and freedom as the orator. For as
to your assertion that, were I not here lord of all I
survey, you would at once have scouted my remark
that the orator ought to be a perfect master in every
subject of discourse and every department of human
culture, I assure you, Scævola, I should never have
thought for a moment of making the remark if I
72 imagined that I had realised my own ideal. But I do
feel what Caius Lucilius used often to say—a man who
was not on the best terms with you, and for that very
reason not so intimate with me as he wished to be, but
for all that we must admit his learning and great
culture—that no one ought to be considered an orator
who is not well trained in all those branches of learning

which ought to be included in a liberal education; and though we make no immediate use of such subjects in a speech, still it becomes quite evident whether we are totally ignorant of them or have studied them.
Just as with those who play at ball, though in their 73
actual play they have no occasion for the exact dexterity of the gymnasium, still we may infer from their mere movements whether they have practised gymnastics or not; and similarly with sculptors, although at the moment they have no occasion for painting, still it is quite evident whether they know how to paint or not; so in our speeches delivered in the courts, or to the people, or in the senate, even though no direct use is made of the other arts, it is nevertheless plainly apparent whether the speaker has figured merely in the workshop of the ranter, or has prepared himself for his task by an education in all the liberal arts.'

SCÆVOLA then replied with a smile: 'I will not XVII
contest the point further with you, Crassus; for 74
by some trick you have made good the particular point which you stated against me, first conceding to me that the orator does not possess certain qualifications which I held that he did not, and then by some legerdemain giving another colour to these qualifications, and allowing the orator a peculiar title to them.
I remember that, when on my visit to Rhodes as 75
Governor of Asia, I compared the lessons I had received from Panætius with the teachings of Apollonius, the famous professor of rhetoric in that city, he, in his

usual way, expressed much scorn and contempt for philosophy, but his remarks though witty were not very impressive. The tone of your remarks, however, has been very different; you have expressed no contempt for any art or branch of learning, but spoken of them all as the attendants and handmaids of oratory.
76 Now if any one man could master all the arts, and at the same time combine with them your gift of consummate eloquence, I cannot but say that he would be a very remarkable and truly admirable specimen of humanity; but such a man—if there were, or ever had been, or ever could be such a man—would be you and no one else, of that I am sure, who, not only in my opinion, but in the opinion of every one, have monopolised—if my friends here will pardon the expression—
77 the whole field of oratorical glory. But if there is no subject connected with civil and political life of which you lack the knowledge, and yet you have not mastered that further and comprehensive knowledge which you expect of the orator, it occurs to me that we may be attributing to him more than the actual
78 facts of the case would warrant.' *Crassus*: 'Ah, you must remember I was not speaking of my own attainments, but of those of the ideal orator. Why, what have I learnt, or what could I know, my early introduction to active life having precluded all possibility of study? I was exhausted by my exertions in the forum, in elections, in politics, in the causes of my friends, before I could form any idea of such high
79 subjects. But if you are pleased to find so much merit in one who, though not specially wanting, as

you think, in natural ability, has been certainly wanting in learning and leisure, and I must admit too, in that keen desire to learn, what do you think? Supposing some one with even greater natural ability were to combine those qualifications which have been beyond my reach, to what perfection of oratory might not he attain!'

HERE *Antonius* took up the argument. 'I quite XVIII
agree,' he said, 'with what you are saying, 80
Crassus, and I have no doubt that if the orator understood the nature and theory of all arts and subjects of art, his speeches would gain greatly in richness of style. But in the first place such knowledge is diffi- 81
cult of attainment, especially amidst the many engagements of our modern life; and, in the second place, there is a real danger lest we should be tempted to give up the constant practice of speaking in the popular assembly and the law-courts. For it seems to me that we find quite a distinct kind of oratory in those men of whom you spoke just now, although I admit they express themselves with grace and dignity, whether their subject be the phenomena of nature or ethics. We find a character of elegance and luxuriance in their language, redolent rather of the polish of the schools than suited to the active excitement of our public life. I myself, I must tell you, though I 82
had but a recent and superficial acquaintance with Greek literature, on arriving at Athens, on my way to Cilicia as proconsul, made a stay of several days there, really because the weather was not favourable for

sailing; but as I was daily in the company of the leading philosophers, the same, speaking roughly, as you have just mentioned, and as somehow or other it had become known among them that I, like yourself, was constantly engaged in the most important causes, they each of them favoured me with such ideas as they could give me on the function and
83 procedure of the orator. Among others your friend Mnesarchus also maintained that those whom we call orators were nothing but a set of journeymen speakers with ready and practised tongues; but that a real orator no one could be save "the philosopher," and eloquence itself, inasmuch as it was the knowledge of good speaking, was one of the virtues, and he who had one virtue had all virtues, and all the virtues were like and equal to one another; and therefore the eloquent man had all the virtues, and was, in fact, the philosopher. But the style of oratory he affected was crabbed and meagre, and very ab-
84 horrent to Roman taste. Charmadas, however, expressed himself with far more ease and fluency on the same subject, not by way of setting forth his own opinions, for the traditional custom of the Academy was always to oppose all comers in a discussion—but on this particular occasion what he gave us to understand was, that those who were called professors of rhetoric, and gave lessons in the art of speaking, knew absolutely nothing, and that no one could possibly acquire the power of speaking, except the man who had mastered the discoveries of philosophy.

THE disputants on the other side were able XIX
speakers, citizens of Athens, who were con- 85
versant with politics and the law-courts. Among them was Menedemus, who was at Rome the other day as my guest; and when he argued that there was a special kind of wisdom which dealt with the investigation into the principles of the constitution and administration of states, Charmadas was up in arms in a moment, being, as he was, a ready man with all learning at his fingers' ends, and every variety of subject at his command to a degree quite inconceivable. He proceeded to prove that we must go to philosophy for all the constituent elements of that special kind of wisdom, nor were the regulations usually made in states about the worship of the gods, the education of youth, justice, endurance, temperance, moderation, and all such others, without which communities could not either exist or be in a sound condition, anywhere to be found in the treatises of the
rhetoricians. If these great teachers of rhetoric in- 86
cluded in their course this formidable array of really important subjects, why was it, he asked, that their text-books were full to overflowing with directions about exordiums, perorations, and rubbish of this kind —for so he dubbed them—whereas about the right ordering of states, and the drawing up of laws, about equity, justice, and integrity, about the control of the passions, and the training of the characters of men not a single syllable could be found in all their
writings. The actual directions they gave he would 87
cover with ridicule, showing that they were not only

quite innocent of the particular wisdom which they claimed for themselves, but did not even understand the scientific theory of oratory which they professed. The essence he supposed of oratory was, that on the one hand the speaker should appear to his audience in the character which he wished to assume; and this was a matter of personal ethics, on which these professors of rhetoric had given no guidance in their instructions; and on the other hand the audience should be affected as the speaker meant they should be; and this again could not possibly be the case unless the speaker had learnt in how many ways, and by what means, and by what style of oratory the feelings of men can be moved in one direction or another. All such knowledge was among the secrets of the most abstruse and most profound philosophy, which these rhetoricians had not touched even with
88 the tips of their tongues. All this Menedemus tried to meet by quoting examples rather than by arguments; with his ready memory he quoted many splendid passages from the speeches of Demosthenes by way of proving that in swaying the feelings of judges or people as he would by the power of his words, he showed no ignorance of the means by which he could effect those objects which Charmadas maintained no one could master without a knowledge of philosophy.

XX CHARMADAS replied that he did not deny
89 Demosthenes was a man of wonderful sagacity, and had a wonderful gift of speaking, but whether

this was owing to his own native wit, or to his having been, as was well known, a constant attendant at the lectures of Plato, the question was not what Demosthenes could do, but what the professors of rhetoric taught. On more than one occasion too he went so 90
far as to maintain that there was no such thing as an art of rhetoric; and having proved this by argument, firstly, because we are so constituted by nature as to be able by winning words to blandish those of whom we have any request to make, and by angry words to intimidate an opponent; to set forth the facts of a case, and establish any charge we bring; to refute the statements of the opposite party; and finally, to appeal for mercy and commiseration,—this being the field in which the whole power of the orator finds its occupation;—and secondly, because habit and practice at once sharpen the powers of our understanding, and increase the readiness of our utterance; he would then quote a number of instances to support his contention. First, 91
he asserted that no writer of a treatise on the art, one would almost think of set purpose, had ever been even moderately fluent, and he quoted instances beginning with Corax or some such name, and Tisias, who were admittedly the first inventors of the art; but instances of really eloquent speakers who had never studied such things, or even cared to know anything whatever about them, he quoted in really countless numbers: and among them, whether in joke or because he really thought so and had so been informed, he pointed to me as one who had not studied the subject, and yet as he was pleased to say, had achieved some success

as an orator. To the former of these two statements, that I had not studied at all, I made no demur, but in the latter, I supposed he was either making fun of
92 me, or was himself mistaken. But art, he said, there could be none, except where the subject-matter was known and thoroughly understood, had reference to one definite end, and was never uncertain; whereas all the subjects dealt with by the orator were contingent and uncertain; since on the one hand speeches on them were made by those who did not fully understand them all, and on the other were listened to by those in whom the speaker had to produce not scientific knowledge, but only a false, or at all events an in-
93 distinct opinion for the time being. Need I say more? By such arguments he seemed to me to prove that neither is there any systematic art of rhetoric, nor can any one, except a man who has mastered the teachings of the profoundest philosophy, be either an artistic or powerful speaker. And, while on this subject, Charmadas used to express a warm admiration for your abilities, Crassus; he had found me, he said, a very good listener, and you a very formidable debater.

XXI IT was with this belief that I was tempted to say
94 in a little book which escaped from my desk without my knowledge and consent, and fell into the hands of the public, that I had known several good speakers, but up to that date not a single real orator, and I laid it down there that a good speaker was one who could speak with adequate acuteness and perspicacity before an ordinary audience from the point of

view of what may be called the average intelligence, but a real orator was one who could add a charm and glamour of magnificence to the theme of his choice, and held within the compass of his own mind and memory all the springs of knowledge on all subjects which had any bearing on oratory. Granting that such attainment is difficult for us because we are overwhelmed by the calls of contested elections and public life before we have begun to learn, let us however assume it to be within the possibilities of the subject. Indeed, if I may venture on a prophecy, 95
and judging from what I know of the abilities of our fellow-countrymen, I have good hope that we shall some day see some Roman, who, with a keener enthusiasm than we now have or ever have had, with more leisure and riper faculties for study, and with greater power of work and industry, will after steady devotion to hearing, reading, and writing, prove the ideal of which we are now in search, and be qualified to claim the title, not merely of a good speaker, but of a real orator; though, after all, I am inclined to think that the man is here before us in the person of Crassus, or if, it may be, he is to be one of equal ability, who has heard, and read, and written somewhat more than our friend, it will not be much that he will add to his achievement.'

AT this point *Sulpicius* exclaimed, 'It has been an XXII
unexpected, though by no means an unwelcome 96
pleasure to Cotta and myself, that your conversation, Crassus, should have taken the turn it has. In coming

here we thought it quite pleasure enough to look forward to, if we should have the chance of taking away with us something worth remembering from your conversation, supposing it had been on other subjects; but that you should fall into this discussion of all others, which has penetrated almost into the arcana of this pursuit, or art, or faculty, whichever it is, seemed to us a thing almost too good to hope for.
97 For though from my earliest manhood I have been possessed with a warm admiration for both of you, with an affection, indeed, I may say, for Crassus which never allowed me to leave his side, I have never been able to draw a word from him on the virtue and method of oratory, though I have appealed to him again and again both personally and through the mediation of Drusus. And in this matter you, Antonius, I will frankly admit, have never refused to answer my questions or solve my difficulties, and have very often told me the rules which it was your
98 habit to observe in practice. On this occasion, now that you have, both of you, given us a glimpse into the secret of attaining to the exact object of our search, Crassus himself having begun the conversation, pray do us the kindness of following out your theories on the whole question of rhetoric in precise detail. If we can only prevail on you to do this, I shall owe a deep debt of gratitude to your school and villa of Tusculum, and shall give a far higher place in my estimation to your suburban lecture-room than to
99 the great Academy and Lyceum.' *Crassus*: 'My dear Sulpicius, let us ask Antonius, who not only can do

what you want, but has been in the habit of doing it, as you told us just now. For myself, I admit that I have always fought shy of all such talk, and have again and again turned a deaf ear to your most urgent appeals, as you remarked a few moments ago. I did so not from any pride or want of courtesy, nor because I was unwilling to satisfy your very proper and most laudable curiosity, especially as I saw that nature had endowed you with quite exceptional and extraordinary qualifications for an orator; but I was deterred, I do assure you, by want of familiarity with such discussions, and want of skill in dealing with the traditional rules of the so-called art of rhetoric.' *Cotta*: 100
'Since we have succeeded in what we thought was the main difficulty, getting you to speak at all on this subject, Crassus, for what remains it will now be entirely our own fault if we let you go before you have fully answered all our questions.' *Crassus*: 'Only, I suppose, 101
on those points on which, to employ the formula used in the taking up of inheritances, "I shall have the knowledge and the power."' *Cotta*: 'Why, do you think either of us is so conceited as to expect to have knowledge or power where you have neither the one nor the other?' *Crassus*: 'Come then, on these conditions, provided I am at liberty to say "I cannot," where I cannot, and "I do not know," where I do not, you may catechise me as you will.' *Sulpicius*: 'Nay, 102
the only question we want to ask is, what do you think about the statement Antonius has just made? do you think that there is an art of rhetoric?' *Crassus*: 'Well, to be sure—do you take me now for one of your lazy

talkative Greek friends, a learned man perhaps and well-read, and therefore put before me some trifling question on which I am to hold forth at pleasure? When do you suppose I have given any thought or attention to such questions? Have I not always rather laughed at the conceit of those persons, who, on taking their seat in a lecture-room, invite any member of a crowded audience to speak if he has a question to ask?
103 This practice was started, we are told, by Gorgias of Leontini, and he was thought to be undertaking an immense responsibility in giving notice that he was ready to speak on all subjects on which any one wished to be instructed. Afterwards, however, the custom became general, and is so at the present day, there being no subject, however important, however unexpected, however novel, on which these people do not profess that they will say everything that can
104 be said. If I had thought that you, Cotta, or you, Sulpicius, desired to receive instruction on this subject, I would have brought here with me some Greek professor to amuse us with such discourse; indeed, it is not impossible to do so now, for my young friend Marcus Piso, who is a devoted student of rhetoric, and a man of striking ability, and a great admirer of mine, has staying with him a Peripatetic of the name of Staseas, a gentleman with whom I am on the best of terms, and who, I see, is recognised, by all who know, as the leader of that particular school.'

XXIII SCÆVOLA: 'What is this nonsense about Staseas,
105 and the Peripatetics? You must humour our

young friends, Crassus, who do not want to hear the everyday loquacity of some Greek theorist, nor the stale prattle of the lecture-room, but are anxious to learn the opinions of a man in whose footsteps they desire to tread, the wisest and most eloquent orator of the day, who has proved his pre-eminence, too, in wisdom and debate, not in rhetorical treatises, but in the most important causes, and in Rome, the seat of empire and the home of glory. For my part, 106
though I have always seen in you my ideal of an orator, yet I have never given you greater credit for eloquence than for courtesy; a courtesy which now more than at any time it becomes you to exercise, and not shirk a discussion to which you are invited by two young men of excellent parts.' *Crassus*: 'Well, 107
well, I am very anxious to oblige your friends, and I will not refuse to state briefly, as I always do, what is my opinion on each point that has been raised. First of all—since I feel I should not be justified in slighting your claims upon my respect, Scævola—my answer is that I am of opinion that there is of rhetoric no art at all, or only a skeleton of one, the fact being that the whole controversy among the learned turns upon a verbal ambiguity. If we define an art according to 108
the statement just made by Antonius as dealing only with subject-matter which is exactly known and thoroughly understood, removed from the sphere of mere arbitrary opinion, and grasped only by the scientific understanding, it seems to me there is no art of oratory; for all public speaking in its different branches deals with a variable subject-matter, and

takes its colour from the ordinary opinions and feel-
109 ings of mankind. If, however, the rules which have as a matter of fact and practice been followed by speakers have been observed and noted down by men of skill and experience, with a technical nomenclature and a scientific distribution into classes and subdivisions—a thing which I see may very possibly have been done—I perceive no reason why we should not admit an *art* of rhetoric, using the term, that is, not according to its strict definition, but in its ordinary acceptation. Still, whether there is an art of rhetoric or only the semblance of one, we cannot of course afford to despise it; though it must be understood that there are other and more important requirements for the attainment of eloquence.'

XXIV
110 HERE *Antonius* said that he heartily agreed with Crassus, so far as he did not admit an art of rhetoric in the full sense usual with those who made oratory wholly and solely a question of art, nor on the other hand entirely repudiate such an art as most of the philosophers did. 'But,' he continued, 'I believe that an exposition from you of those requirements which you consider more helpful to oratory than any
111 art will be very welcome to our friends.' *Crassus*: 'Well, I will say my say as I have begun, and will only beg of you not to let the public know of any "indiscretions" I may let fall. However, I shall keep a strict watch on myself, and avoiding all the airs of the master or professor, and speaking only as a simple Roman citizen who has had some experience of public

life and a fair education, I shall endeavour to give the impression, not of having volunteered a discourse on my own initiative, but of having been accidentally drawn into a discussion started by you. Let me first 112
remind you that when a candidate for office I used to ask Scævola to let me prosecute my canvass without his help, telling him that I now wished to be indiscreet, in other words, to make a successful canvass which could not possibly be done except at the cost of some indiscretion, and that he was the one man of all others in whose presence I was most reluctant to be guilty of such conduct. And now he, as fortune will have it, is here to see and witness my indiscretion; for surely it is the height of indiscretion to speak about speaking, seeing that any speaking can never be other than indiscreet except when it is necessary.'
Scævola: 'Never mind that—only proceed, and I will 113
take the responsibility of any blame you are afraid of.'

CRASSUS: 'Well then, my feeling about it is XXV
this:—In the first place, natural talents are a most important factor in oratory; those authors, for instance, of whom Antonius spoke just now, were not deficient in the theory and method of oratory, but in natural gifts. What is needed, is a certain agility of thought and mind, so as to ensure readiness of invention, richness of expression and style, and strength and permanence of memory; and if any one supposes that 114
these powers can be acquired by art—which is quite a mistake—indeed we ought to be well satisfied if they

can be sharpened and stimulated by art, but that they should be put into us and given by art is quite impossible, being, as they all are, gifts of nature—what are we to say about those qualifications which are obviously part of a man's natural endowments, mobility of tongue, tone of voice, power of lung, physique, a certain conformation of feature and general pose of
115 limb? I do not of course mean to imply that art cannot give a finish in some cases, for I know well enough that good natural gifts can be improved by teaching, and those which are not of the best may still in some manner be furbished up and corrected; but there are people so halting of speech, or with such unmusical voices, or so uncouth and awkward in look and carriage, that in spite of great abilities and skill they can never rank as orators; whereas some again are so gifted in these respects, so rich in natural endowments, that they seem not merely born orators but to have been
116 created for that end by the Divine artist. A great burden of responsibility it is, surely, for a man to take upon himself, to profess that he and he alone is to be heard amidst universal silence on questions of the last importance in a great concourse of his fellow-men; for there is no one in such an audience who has not a keener and sharper ear to detect a fault in a speaker than a merit; and thus whatever there is that gives
117 offence overshadows what calls for praise. Now I do not say this with the intention of deterring young men altogether from the study of oratory, if they happen to lack some natural gift, for, as we are all aware, my contemporary Caius Cælius won great distinction, though

quite new to political life, by such moderate success as a speaker as he was able to achieve. Take another instance, Quintus Varius, who is more your contemporary; you all know that he, though a man of uncouth and repulsive exterior, has gained considerable influence in the state by the same sort of ability.

BUT as we are searching for the ideal orator, we XXVI
must use our powers of oratory to portray a 118
speaker free from all possible faults and endowed with every possible merit. For though it is undeniable that the large number of lawsuits, the great variety of public questions, the illiterate masses who make the audience of our public speakers, offer a field to even the most defective orators, we will not for that reason despair of finding what we want. On the same principle in those arts whose aim is not some immediately practical utility, but some less restricted intellectual enjoyment, how critically, with what a nice fastidiousness do we pass judgment! There are no lawsuits or points of contention which force us to tolerate bad actors on the stage in the same way as we tolerate indifferent
speakers in the courts. The real orator, therefore, 119
must use all care and diligence, not merely to satisfy those whom he is bound to satisfy, but also to win the admiration of those who are in a position to judge impartially. And if you want to know, as we are all friends together, I will frankly tell you what I feel —a secret I have hitherto always kept to myself on principle. My belief is, that even the best speakers, even those who have the best language

always at their command, unless they rise to speak with some misgivings and feel some nervousness in the exordium of their speech are wanting, if I
120 may say so, in proper modesty. I am assuming of course an impossible case, for the better the speaker the more painfully is he conscious of the difficulty of speaking, of the uncertainty of the effect of his speech, and of the expectations of an audience. A speaker on the other hand who can deliver nothing worthy of the occasion, worthy of his profession, worthy of the attention of his fellow-men, he, however nervous he may be while speaking, also seems to me wanting in modesty. For it is not by feeling ashamed of ourselves, but by refusing to do what is unseemly, that we ought to
121 avoid the reproach of immodesty. Any one who under such circumstances feels no shame—and such cases I see are very common—not only deserves blame, I think, but ought to be liable to some penalty. For my part, as I observe is the case with you, so in my own case I constantly experience this feeling; I turn pale at the beginning of a speech, my brain whirls, and I tremble in every limb; indeed once in my early manhood, when opening the case for the prosecution, I was so overcome that I owed a deep debt of gratitude to Quintus Maximus for adjourning the case the moment he saw that my alarm had quite unnerved and unmanned me.'

122 At this point all the company showed their assent by significant looks at one another and began to converse; for no one could deny that there was in Crassus a quite indescribable modesty, which, however, so far

from being any drawback to his eloquence was really a help to it, as being a testimony to his sincerity.

THEN *Antonius* resumed the conversation: 'Often XXVII
as you say, Crassus, I have observed that you as well as all other first-rate speakers, though none has ever in my opinion been equal to you, are somewhat
uneasy at the beginning of a speech; and when I 123
tried to discover the reason of this—why it was that the more able a speaker was, the more nervous he was, I found the causes to be two. One was because those who had learnt from nature and experience were well aware that sometimes even with the best speakers the result of a speech did not turn out in full accordance with their wishes; therefore whenever they delivered a speech they not unnaturally were afraid that what might occasionally happen would happen then. The other cause is this, and the unfairness of it often
annoys me. In all the other professions, if tried and 124
acknowledged exponents have on any occasion failed to give the complete satisfaction they generally do, they are supposed to have been out of the humour, or to have been prevented by ill-health from doing their best. Roscius, for instance we say, "was not in the humour for acting to-day," or "he was suffering from indigestion;" whereas, in a speaker, any fault that
has been observed is attributed to stupidity, and 125
stupidity admits of no excuse, because no one can be supposed to have been stupid either because he was dyspeptic or from deliberate choice. Thus we speakers have to face a more unsparing criticism, for

whenever we deliver a speech, our reputation is on trial, and whereas one mistake in acting does not at once expose the actor to a suspicion that he does not know his business, in a speaker any fault that has provoked criticism creates an indelible, or at all events a very lasting, impression of incapacity.

XXVIII THEN again, what you said about there being
126 very many qualifications which an orator must have from nature or else he would not get much help from any master, I heartily agree with; and in this respect more than in anything else I much admired Apollonius of Alabanda. Though he charged a fee for his lectures, he would not allow those who he thought could not become orators, to waste their time with him, but would dismiss them and urge them to devote themselves to that profession for which he
127 thought them severally fitted. For in the acquirement of the other arts it is sufficient to have merely ordinary abilities and to be able to understand and remember the lessons given, or enforced, perhaps, if the pupil happens to be somewhat dull. There is no need for ease of utterance, for readiness of speech, or in short for those gifts which cannot be acquired by
128 training, gifts of feature, expression, and voice. In the orator, however, we require the subtlety of the logician, the thoughts of the philosopher, the language almost of the poet, the memory of the lawyer, the voice of the tragedian, the gestures I may add of the consummate actor. This is the reason why nothing in the world is so rare as a perfect orator; for merits,

which win applause if found singly, even in a moderate degree, in the professors of the several arts, cannot command approval for the orator, unless they are all present in the highest perfection.' *Crassus*: 'Quite so, and yet 129
observe how much more care is taken in what is but a trivial and insignificant profession than in ours which all admit to be of the greatest importance. Indeed I have often heard Roscius say that he has never yet been able to discover any pupil whom he could unreservedly commend; not that certain of them did not deserve commendation, but because, if there was any fault at all in them, it was absolutely intolerable to him; for nothing, we know, strikes us so forcibly or makes such an indelible impression on the memory as that which somehow offends our taste. Thus, to take 130
our comparison with this actor as the standard of oratorical excellence, let me remind you how everything that he does is done in perfect style, everything with consummate grace, everything with unerring taste and in a way to touch and delight the hearts of all. The consequence is he has long been in this proud position, that any one who excels in any particular art is called a Roscius in his own profession. To require in the orator such absolute perfection, from which I am very far myself, is a somewhat shameless proceeding on my part; for while I am anxious to have allowance made for myself, I make none for others. Indeed any one who has not the ability, whose performance is short of perfection, any one, in fact, whom it does not become, he, I think, according to the recommendation of Apollonius, ought to be

summarily dismissed to do that for which he has the ability.'

XXIX 131 SULPICIUS: 'Would you then recommend Cotta or myself to study law or military science? For who can possibly attain to that complete and absolute perfection on which you insist?' *Crassus*: 'Nay, it is just because I have observed in you quite rare and exceptional oratorical gifts, that I have said what I have; and I have chosen my language no less with a view to encouraging you who have the ability than to deterring those who have not. In both of you, indeed, I have perceived great natural gifts and much enthusiasm, but those qualifications which depend on externals, on which I have perhaps laid more stress than we are familiar with in the Greek professors, are present in
132 you, Sulpicius, in a quite extraordinary measure. For no one, I think, have I ever listened to, whose gestures or mere manner and bearing were more appropriate, or whose voice was richer or more attractive; and those who have such natural gifts in a less degree may yet attain such measure of success as to use what gifts they have with propriety and skill, and to keep clear of all violations of taste. For this is the fault which must be most carefully avoided, and on this especially it is by no means easy to give any guidance, not only for me who am speaking on this subject as a layman, but even for so great an artist as Roscius, whom I have often heard say that 'taste' was the main thing in art, but taste was the one thing on which no rules of art
133 could possibly be given. But now let us change the

subject, please; and after all this discussion converse together as ordinary citizens and have done with rhetoric.' *Cotta*: 'No! No! for we are now just at the point when we must really beg you, since you would keep us to the pursuit on which we are engaged and not dismiss us to some other profession, to let us into the secret of your own oratorical power whatever estimate you may have of it. We would not be ambitious, you know; we are quite content with such moderate eloquence as you have attained; one question only we would ask you—for we have no idea of achieving more than the little you have already achieved in oratory—since according to you we are not strikingly deficient in those qualifications which are to be got only from nature, what more do you think we must acquire to supplement what we have?'

TO this Crassus replied with a kindly smile: 'What XXX
do you suppose, except enthusiasm and a lover's 134
devotion? which is really essential to anything worth doing in this world, and certainly without it no one will ever attain to that which is the goal of your ambition. Though, to be sure, you two, I see, need no exhortation in this direction, for as you will not leave even me in peace, I perceive that you are
only too eager and ambitious. But, in all serious- 135
ness, no desire to arrive at any destination is of any avail unless a man knows the path which will guide and bring him to the end which he has in view; and, therefore, since the task you lay on me is but a light one and you ask me for information not on the art of

oratory in the abstract, but on my own poor achievements as an orator, I will explain to you my method, though there is nothing in it very recondite, or very difficult, or very grand and imposing—the method which in early days I was in the habit of using when it was my privilege as a young man to devote myself
136 to the pursuit you have adopted.' *Sulpicius*: 'O Cotta, what a happy moment is this for us! For what no prayers of mine, no watching nor waiting has ever succeeded in gaining for me, the privilege, that is, I will not say of seeing with my own eyes what Crassus did by way of practice and preparation for speaking, but of surmising it only from Diphilus, his reader and secretary, I hope we have now secured, and that we shall now learn all we have long wanted to know, from his own lips.'

XXXI
137 *CRASSUS*: 'Ay, but when you have heard all, Sulpicius, you will not, I expect, so much admire what I have told you as think there was not much reason for your original anxiety to hear me on this subject; for there will be nothing recondite in what I shall tell you, nothing that will come up to your expectations, nothing that you have not heard before or that is new to you. First and foremost, as would become any honest and well-bred gentleman, I will frankly admit that I learnt all the common and hackneyed rules
138 which are familiar to you. First, that it is the orator's duty to speak in a way adapted to win the assent of his audience; secondly, that every speech must be either on some general abstract question without reference to special persons or circumstances, or on some subject

with a definite setting of special persons and circumstances; but that in either case, whatever be the point at 139
issue, the question usually arising in connection with it is either as to the fact or, if the fact be admitted, what is the nature of the act, or, may be, what name is to be given to it, or, as some add, whether it is justifiable or not; further, that disputes arise out of the interpretation 140
of a document, in which there is some ambiguity of statement or some contradiction, or which is so worded that the strict letter of it is at variance with its spirit; and that to all these varieties there are attached appropriate methods of proof. Of questions, again, which are 141
distinct from any general thesis, some are juridical, some deliberative; there is also a third class, as I was taught, which deals with panegyric and invective; and there are certain topics to be made use of in the law-courts where justice is the object of our efforts; others in deliberative speeches which are in all cases modified by the interests of those to whom our advice is given; others, again, in panegyrics in which everything depends upon the personal dignity of the subject.
I learned also that the whole activity and faculty of 142
the orator falls under five heads:—that he must first think of what he is to say; secondly, not only tabulate his thoughts, but marshal and arrange them in order with due regard to their relative weight and importance; thirdly, clothe them in artistic language; fourthly, fix them firmly in his memory; fifthly, and lastly, deliver them with grace and dignity of gesture.
I was further made to understand, that before we 143
speak on the point at issue, we must begin by

winning the favourable attention of our audience; then we must state the facts of the case, then determine the point at issue, then establish the charge we are bringing, then refute the arguments of our opponent; and finally in our peroration amplify and emphasise all that can be said on our side of the case, and weaken and invalidate the points which tell for the opposite side.

XXXII
144 I HAD heard lectures also on the traditional rules for the embellishment of style; in connection with which the first requirement is pure and good Latin, the second, clearness and lucidity, the third, artistic finish, the fourth, suitability to the dignity of the subject and a certain elegance of form. I had also
145 learnt special rules under each head. Besides this I had been made to understand that even those gifts which are exclusively natural may be artificially improved. On delivery, for instance, and the memory, I had been initiated into certain rules which, though short enough, involve much practice. For it is to the exposition of such rules as these that all the learning of our friends the professors is directed, and if I were to say that all this learning was of no use, I should say what is not true; for it is of some service, if only to remind the orator what should be his standard in each case and what he must keep before him so as not to wander from the purpose which he may have set him-
146 self. But the real value of these rules I take to be this, not that orators by following them have attained to eloquence, but that certain people have noted down

and collected the habitual and instinctive methods of the masters of eloquence; and thus eloquence is not produced by art, but the art has sprung from the practice of the eloquent. Still even so, as I have already said, I would not reject the art entirely, for though it may not be necessary for good speaking, the study of it may well find a place in a liberal
education. A certain course also of practice is desir- 147
able for you—though to be sure *you* have long been on the right road—or at all events for those who are entering on their career and can even at this early stage learn and practise beforehand on a mimic arena what they will have to do on the real battle-field
of the forum.' *Sulpicius*: 'It is just this course of 148
practice we wish to know about; and yet we also wish to hear about the rules of the art which you have just briefly run over, though of course these are not unfamiliar to us. They, however, can wait; now we would ask what is your opinion on this matter of practice.'

CRASSUS: 'Well, for my part I quite approve of XXXIII
what you are in the habit of doing—of imagining 149
some case similar to those which are brought into the courts and speaking on it in the manner as far as possible of real life; but most students in so doing exercise their voice only, and that not scientifically, and their strength, and affect rapidity of utterance, and delight in a great flow of words. But in this they are misled, because they have heard that men by speaking
make themselves speakers. For, indeed, there is a say- 150

ing equally true that by speaking badly men very easily acquire a bad style of speaking. For this reason, in the matter of these exercises, though the constant practice of speaking on the spur of the moment has its uses it is even more useful to take time for reflection and to speak after preparation and careful study. The main thing however, which, to tell the truth, we very rarely do (for it involves considerable trouble and that most of us avoid), is to write as much as possible. The pen is the best and most effective artist and teacher of speech; and so it well may be, for if a sudden and extempore utterance is far inferior to the product of preparation and reflection, this latter again must certainly yield the palm to diligent and careful writing.
151 For all the topics, suggested whether by art or the natural wit and sagacity of the speaker, which are inherent in the subject of our discourse, naturally and spontaneously occur to us, as we ponder and consider our subject with the unimpeded powers of the mind; and all the thoughts and words, which in their proper places add most brilliance to style, necessarily suggest themselves as we write, and flow to the point of our pen. The mere order, moreover, and arrangement of words is in the process of writing brought to perfection in a rhythm and cadence which may be called oratorical
152 as distinct from poetical. It is these qualities which win for great orators shouts of admiration and applause; and these no one can hope to acquire unless he has written long, and written much, no matter how ardently he may have exercised himself in those unprepared deliveries to which I have referred. And

the man who comes to speaking after a long practice of writing brings to the task this further advantage, that even if he speaks on the spur of the moment, still his utterances have all the effect of a written speech; and more than this, if on any occasion in the course of a speech he introduces some written matter, when he lays aside his papers, the speech continues without
any perceptible break. Just as when a boat is well 153
under way, if the crew stop rowing for a moment, the boat still retains its motion and way even though the beat and stroke of the oars is interrupted, so in a continuous speech, when written notes fail, the speech still maintains an even tenor from its similarity to what was written and the momentum thereby acquired.

IN my own daily exercises when a young man, I XXXIV
used to set myself by preference the same task 154
which I knew that my old rival Caius Carbo had been in the habit of performing. I used to set myself some piece of poetry the most impressive I could find, or read some speech, as much of it as I could retain in my memory, and then deliver a speech on the same subject, choosing as far as I could other words. Afterwards I came to see that the practice had this defect; the words which were best suited to the subject in each case, were most eloquent, in fact, the best, had been already appropriated either by Ennius, if it was on his verses I was exercising myself, or by Gracchus, if I happened to select a speech of his as my task. If, therefore, I used the same words, I gained nothing; if others, I even lost, since I got into

155 the habit of using inadequate language. After this I hit upon and employed in later years the following plan. I used to make a free translation of speeches by the leading orators of Greece, and by selecting them I gained this advantage; by translating into Latin what I had read in Greek, I not only used the best though familiar words, but I also coined others on the model of the Greek, which would be new to our language, provided always no exception could be taken to them. The management
156 again of the voice and the breath, of the limbs and the tongue, and the different exercises connected with it are a matter not so much of art as of physical labour; and in this matter it is a very important consideration whom we should take as our model, whom we would wish to resemble. We must watch not only speakers but actors also, that we may not from defective training get into some ungainly or
157 awkward mannerism. The memory, too, we must exercise by learning by rote as many passages as we can both of our own authors and others; and by way of doing so I see no objection to the use, if such has been your habit, of that system of places and symbols[1] which is traditional in the schools of rhetoric.

[1] This refers to a *memoria technica* said to have been invented by Simonides of Ceos (*de Orat.* II. lxxxvi. 352 sqq.). Scopas, a wealthy prince of Crannon, in Thessaly, refused to give Simonides the full price promised for a poem in his honour, saying that he must get the balance from the Tyndaridæ, whom the poet had equally praised in the same poem. Thereupon by some mysterious message, Simonides was called out of the room, and in his absence the room fell in, crushing Scopas and all his family beneath the ruins, so that when their friends wished to bury their

The diction thus formed must then be brought out from the training-ground of the study and the cloister into the heat and dust and noise of the battle-ground and the conflicts of the forum; we must face the gaze of the world, we must put our intellectual strength to the test, and the meditations of the student must be exposed to the broad daylight of real life. We must 158
also read the poets, study history, read and con over again and again all the teachers and authors in all the higher arts, and for the sake of the training to be got from it we must praise their merits, explain their meaning, criticise their faults, denounce their errors, and refute their mistakes. We must argue on every subject both for and against, and we must bring out every possible and plausible argument that is to be found in each case. We must learn civil law by heart, 159
study the statute-book, know all antiquity, we must be familiar with the usages of the senate, the constitution of our country, the rights of our allies, all treaties, all conventions, and all imperial interests. We must extract also from every form of culture a power of graceful and refined pleasantry, to give flavour, if I may use the expression, and piquancy to our style. I have now freely given you all my opinions, and the same answer

remains, no one could identify them. This, however, Simonides enabled them to do by remembering the place where each had been sitting. This incident proved to him that the *ordo locorum* was an invaluable aid to the memory. He therefore arranged a system, whereby the thoughts which the speaker wished to remember were assigned to imaginary places in a certain order, the thoughts themselves being represented by symbols, in such a way, that 'the places served as the memorandum-book, and the symbols as the written memoranda.'

I daresay would have been given to your questions by any ordinary citizen you had pitched upon at any social gathering.'

XXXV 160 AFTER these remarks from Crassus, silence fell on the party; but though all present were quite satisfied that he had said enough for the purpose in hand, yet they all felt that he had come to the end of his remarks far sooner than they could have wished. At last *Scævola* asked: 'What is it, Cotta? Why are you and your friend silent? Does nothing occur to you on which you would like a little more enlighten-
161 ment from Crassus?' *Cotta*: 'Well, to tell you the truth, that is just what I am pondering; for so great was the speed of his words, and so rapid the flight of his eloquence, that though I was fully aware of its vigour and force, I could scarcely follow its track, and I felt as if I had been brought into the richly furnished mansion of some millionaire, where the hangings were not unfolded, nor the plate set out, nor the pictures and statues arranged where they could be seen, but all these numerous and costly treasures were huddled up together and put away. So just now while Crassus was speaking, I was aware of the riches and beauties of his mind through curtains and coverings, so to speak; but though I desired to examine them closely, I scarcely had a chance of seeing them. Thus I can neither say that I am in complete ignorance of the extent of his possessions, nor that I really know
162 and have actually seen them.' *Scævola*: 'Well then, why not do as you would if you had been brought

into some town or country mansion full of treasures of art? If the things were, as you say, all stowed away, being, as you would be, very anxious to see them, you would not hesitate to ask the owner to have them brought out for your inspection, especially if you were a personal friend of his. In the same way now you will beg Crassus to bring out into the light all his wealth of treasures of which we have had just a hasty and passing glimpse, as at the wares in a shop-window, all piled together in one place, and you will ask him to put everything in its proper light.' *Cotta*: 'Nay, I 163
must ask you to do that, Scævola, for modesty forbids my friend and me to bother the most serious of men, who has always thought scorn of such discussions, with questions which to him perhaps seem but the first lessons of childhood. Pray do us this kindness, Scævola; prevail on Crassus to amplify and explain for our benefit what he has compressed into so small and narrow a compass in the remarks he has just made.' *Scævola*: 'To tell you the truth, at first it was more 164
for your sake than my own that I wished Crassus would do what you ask; for the desire I had to hear a discourse of this kind from Crassus is not equal to the pleasure I derive from his forensic speeches. But now, Crassus, on my own behalf also, I ask you, since we have a few hours of leisure such as it has not been our good fortune to enjoy for a long time, not to refuse to finish the good work you have begun; for the whole question, I perceive, is taking a wider and more interesting scope than I expected, and I am very glad it is.'

XXXVI 165 CRASSUS: 'Well, well, it passes my comprehension, Scævola, that even you should require of me a discussion on a subject which I do not understand so well as the professed teachers of it, and which is not of such a kind that, even if I understood it ever so well, it would be worthy of the attention of a philosopher like you.' *Scævola*: 'What is that you are saying? Supposing you do think that the common and hackneyed rules you have referred to are barely worthy of the attention of a man of my years, can we afford to despise those subjects which you said the orator must study, human character, morals, the different methods of stirring and soothing the minds of men, history, tradition, state administration, and, lastly, my own special subject of civil law? For that all this wealth of knowledge was possessed by a statesman like yourself I already knew, but I had not realised that such splendid wares formed part of
166 the stock-in-trade of the orator.' *Crassus*: 'Can you then, if you will allow me to omit many other most important considerations and come at once to your specialty of civil law, can you regard as orators those gentlemen, who for many hours detained Publius Scævola when he was anxious to be off to the Campus Martius, half amused and half angry, while Hypsæus, at the top of his voice, and at great length, was urging Marcus Crassus the prætor to allow his client to lose his case, and on the other side Cneius Octavius, an ex-consul (who ought to have known better) at equal length was protesting against his opponent losing his case, and his own client being relieved by the folly

of his opponent from a degrading verdict of fraudulent guardianship and from all further annoyance?' *Scævola*: 167
'Nay, such men—and I remember hearing the story from Mucius—I cannot think fit to plead in the courts, much less to have the name of orators.' *Crassus*: 'And yet they did not lack eloquence as advocates, nor did they fail from want of theory or ability in speaking. What they lacked was knowledge of civil law. The one claimed more in a statutable action than was allowed by the law of the XII Tables—a claim which, if it had been allowed, would lose him his case; the other thought it unfair that he should be proceeded against for more than he was legally liable, and did not perceive that if the procedure were allowed, his opponent would be sure to lose his suit.

TAKE another instance—within the last few days, XXXVII
when I was sitting on the bench with my 168
friend Quintus Pompeius, the city prætor, did we not have an advocate who is reckoned an able speaker, urging in favour of a client, from whom a debt was claimed, the old and familiar saving-clause 'for which money payment is already due,' which he did not see was devised for the benefit of the claimant; thus saving the claimant, in case the debtor who repudiated the obligation had proved to the judge that payment was demanded before it had begun to be due, from being non-suited in the event of a second action by
the plea of previous litigation? Can there be anything 169
more discreditable said or done, than that a man who

has taken upon himself the rôle of defending the causes and interests of his friends, of helping their difficulties, relieving their sufferings, and removing their oppressions, should prove such a broken reed even in the merest trivialities of the law, as to provoke in those who hear him feelings of mingled pity
170 and contempt? Let me refer to an instance in my own family. Publius Crassus Dives [1] was a man of many gifts and accomplishments, but I think his chief title to praise and commendation is this:—he used constantly to say to his brother, Publius Scævola, that as Scævola could not in civil law make his performance worthy of his profession unless he combined with it a command of language (as our friend, his son, my colleague in the consulship,[2] has actually done), so he himself had not begun to conduct and plead the causes of his friends until he had
171 mastered civil law. Or to take another instance, that of Marcus Cato. Was not he at once the greatest master of eloquence that could possibly have been produced in Rome at that date and

[1] This Publius Crassus Dives was the son of Publius Mucius Scævola, consul in B.C. 175. He was, however, adopted by Publius Licinius Crassus Dives, son of Publius Licinius Crassus Dives, who was the first of the family who bore the agnomen Dives, and was consul B.C. 205. He thus became a member of the family of the Crassi, and a connection of Lucius Licinius Crassus, the speaker here. Crassus the triumvir was his great-nephew. He is mentioned again, § 239 *infr.*

[2] This is Q. Mucius P. F. Scævola, who was consul with L. Crassus in 95 B.C. He was first cousin once removed of Scævola the Augur, one of the interlocutors in this dialogue. He is mentioned again in very complimentary terms, § 180 *infr.*

in those times, and also the most learned lawyer of his day? It is with some diffidence that I have been speaking all this time on such a subject in the presence of one who holds the first rank as a speaker, the one orator who commands my special admiration, though it is true that he has always despised this subject of civil law. But since you have expressed a wish to have my thoughts and opinions communicated to you, I will make no reservations, but, so far as my ability serves, I will lay before you my sentiments in full detail.

ANTONIUS owes it, I think, to his really wonderful and almost unrivalled and superhuman power of intellect, that, even though he is not fortified by a knowledge of civil law, he can easily hold his own and defend his position with the other weapons of sound practical sense. For this reason we may regard him as an exception; all others, however, I shall not hesitate to pronounce guilty of indolence in the first place, and of impudence in the second. For to bustle about from court to court, to hang about the bench and tribunal of the prætors, to undertake private suits involving important issues, in which it often happens that the vital question is not one of fact, but of law and equity, to display great activity in the court of the centumviri which deals with rights of prescription, guardianship, kinship by clan or paternal descent, alluvial lands, islands formed in rivers, pledges, conveyances, rights with respect to party walls, lights and rain-drippings, the validity and invalidity XXXVIII 173

of wills, and innumerable other matters, and all this when a man is absolutely ignorant of what constitutes private property, or of the distinction between a citizen and a foreigner, a slave or a freeman, is a
174 proof of extraordinary impudence. Ridicule surely is the fitting reward of the conceit which confesses a want of skill with smaller craft, but professes to know how to steer quinqueremes or even larger vessels. You, who are bamboozled by the mere promise of an opponent in a private interview, and put the seal to a deed of your client's, in which deed there is a clause prejudicial to him, can I suppose that you are fit to be trusted in any case of importance? Sooner, in good sooth, could a man who has overset a pair-oar skiff in harbour, steer the ship of
175 the Argonauts in the waters of the Euxine. Further, if they are not always trivial cases either, but frequently cases of great importance, which turn on a question of civil law, what effrontery must the advocate have who ventures to undertake such cases without any knowledge of the law? What case, for instance, can be of greater importance than the famous one of the soldier, a false report of whose death reached home from the camp, which his father believed, and in consequence changed his will, and made the person of his choice his heir, and subsequently died? Then when the soldier came home, and, as a son disinherited by will, instituted an action at law for the recovery of his paternal inheritance, the case came for trial before the centumviri. Surely in this case the point at issue was one of civil law, whether, that

is, a son could be disinherited of his father's property, when the father had not in his will either named him as heir, or disinherited him by name.

TAKE another instance. In the litigation between XXXIX
the Marcelli and the patrician branch of the 176
Claudian house, decided by the centumviri, the former contending that an inheritance reverted to them from the son of a freedman by title of family, the latter, that it reverted to them by title of clan—surely, in this case the counsel on either side had to argue on the whole law
of family and gentile title. Here is another point which 177
I have heard was contested in the same court. A man came to live in exile at Rome, having the right to do so under condition of attaching himself to some one who should stand in the relation of patron to him, and died intestate. In this case, surely, the whole law of 'attachment,' a subject about which there is much obscurity and ignorance, was explained and elucidated
by counsel in court. Again, not very long ago, I was 178
pleading the cause of Caius Sergius Orata in a private suit, my friend here, Antonius, being counsel on the other side, and did not my defence turn entirely on a point of law? Marcus Marius Gratidianus had sold a house to Orata, and had not stated in the deed of sale that a certain portion of the house was subject to a servitude; and I maintained that any incumbrance on the property, if the vendor had known of it and not
stated it, ought to be borne by the vendor. And so 179
too our friend Marcus Buculeius, a man, who in my opinion, is no fool, and in his own, a great philosopher,

and has no dislike for the study of the law, somehow or other lately made a blunder under similar circumstances. When selling a house to Lucius Fufius, in the act of conveyance he made a reservation as to all existing lights; but Fufius, as soon as some building began in some quarter of the city, which could just be seen from the house, at once proceeded against Buculeius, because, as he thought, his rights were interfered with, whatever portion of the outlook was blocked, no matter
180 how distant.[1] Once more, look at that very famous lawsuit between Manius Curius and Marcus Coponius before the centumviri. How crowded the court was, how keen the interest taken in the pleadings! On the one side, Quintus Scævola, my contemporary and colleague, the most learned authority of his day on our system of civil law, a man of the keenest intellect and judgment, a master of the most refined and nervous eloquence, who in fact, as I often say, is the best orator of all our lawyers, and the best lawyer of all our orators, argued the rights of the case according to the letter of the will, maintaining that unless a posthumous son had been born and had also died before

[1] The ambiguity is here intentional. Buculeius, being proud of his legal knowledge, acted as his own lawyer and inserted in the deed of sale a vaguely worded clause about 'ancient lights,' wishing to preserve the rights of the neighbouring houses as against those of the house sold to Fufius. Fufius, however, chose to take the clause as guaranteeing the rights of his house as the dominant property, and in that belief prosecuted the vendor when his lights were blocked. The difficulty of the passage is increased by the very imperfect record we have of the circumstances, and several other explanations have been given of it. The present one is due to Dr. Roby. (*Journal of Philology*, xv. pp. 67-75.)

he attained his majority, the inheritance could not go to a man who had been named heir in the second place, in the event of the birth and decease of a posthumous child. On the other side, I argued that the intention of the testator had been, that if there were no son to attain his majority, Manius Curius should inherit. And did either of us cease for a moment in the course of the case to deal with opinions, precedents, testamentary technicalities, in other words, with fundamental questions of civil law?

I MIGHT quote several other instances of very important cases, of which there is an endless number; indeed our civic status even may often be involved in cases which turn on a point of law. Take the instance of Caius Mancinus, a man of the highest rank and of blameless character, who had held the consulship. The state envoy, according to the resolution of the senate, surrendered him up to the people of Numantia as the author of the unpopular treaty with that state, but on the refusal of the Numantines to accept the surrender, Mancinus returned to Rome and without hesitation took his seat in the senate. Thereupon Publius Rutilius, son of Marcus, the tribune of the people, ordered him to be removed, alleging that he was not a Roman citizen, because it was the received tradition that any man who had been sold by his own father, or by the nation, or surrendered by a state envoy, had no right of recovery of citizenship. If this was possible, where can we find amid all the transactions of civil life a case involving a

XL 181 (beside the first lines of the paragraph); 182 (beside "citizenship. If this was possible, where can we find")

more important issue than one which concerned the rank, the citizenship, the freedom, the whole political existence of a man who had held the highest office in the state, and that, one which turned not on some criminal charge to which he might have pleaded not guilty, but on a technicality of the law? And under similar circumstances, in the case of a person of inferior rank, if a member of an allied community, having been a slave in Rome, had bought his freedom and then returned to his native town, it was a moot question with our ancestors whether he by law of *postliminium* had reverted to his own people and lost his Roman citizen-
183 ship. Again, may not a case of disputed freedom, the most important issue that can possibly come up for decision, hang on a point of law? the question, for instance, whether a slave who has been entered in the censor's roll with the consent and will of his master is a free man at once, or not till the close of the lustrum? Once again, take a case that actually happened within the memory of our fathers. The head of a household returning from Spain to Rome left in the province a wife who was with child, and married a second wife at Rome without sending a bill of divorce to the former one; he subsequently died intestate, each wife having given birth to a son. Here surely a somewhat important issue was raised, the decision involving the political status of two citizens, that of the boy born of the second wife, and that of his mother, who, if the verdict were that a divorce from a former wife is only effected by a set form of words, and not by the mere fact of a second marriage, would be in the

position of a woman taken into concubinage. Well then, 184
that a man who knows nothing of these and similar questions of the law of his own country, should with a proud carriage and head erect, with a keen and eager look on his face, turning his eyes this way and that, pervade the law courts with a crowd at his heels, tendering and offering his protection to clients, his assistance to friends, and the light of his genius and advice to society generally, this surely we cannot but regard as a piece of scandalous impertinence.

NOW that I have spoken of the impertinence of XLI
such conduct, let me rebuke the indolence and 185
laziness of men; for even supposing the study of the law were difficult, still its great utility ought to be sufficient to induce men to undergo the labour of learning. But take my word for it, and I should not venture to say this before Scævola were he not in the habit of making the remark himself, there is no branch of study which presents so little difficulty.
Most people, I know, think otherwise, and for well- 186
defined reasons. In the first place, the old masters of legal science, with a view to maintain and increase their influence, refused to divulge the secrets of their craft; and afterwards when the law was published and the different forms of procedure exposed by Cneius Flavius, there was no one capable of arranging them methodically and scientifically under different heads. Nothing of course can be reduced to a scientific system unless he who is master of the particulars of which he desires to establish an art, has the further knowledge necessary

to enable him to systematise materials which have
187 not yet been systematised. I am afraid that in my anxiety to state this briefly, I have expressed myself somewhat obscurely. I will try if I can make my meaning somewhat plainer.

XLII ALL subjects which have now been brought under scientific treatment were once in a disconnected and chaotic condition; music, for instance, presented a chaos of rhythms, sounds, and tunes; geometry, of lines, figures, dimensions, and magnitudes; in astronomy there was the revolution of the heavens, the risings, settings, and movements of the heavenly bodies; in letters, the treatment of poetry, the study of history, the interpretation of words, their emphasis and accent; in rhetoric, finally, with which we are immediately interested, invention, expression, arrangement, memory, and delivery, were at one time considered by every one to be quite separate and wholly unconnected with one
188 another. Thus the application of a certain science borrowed from quite a different sphere of knowledge, which the philosophers regard as their special province, was necessary to consolidate the separate and disconnected material, and unite it in a systematic whole. To apply this principle then to civil law, let us define its object thus:—the maintenance of equity as regulated by law and usage in all suits and causes between
189 citizen and citizen. We must then distinguish between the different classes of case, and reduce them to a definite number, the smallest possible. Now a *class* is that which includes at least two sub-divisions which

have a certain common qualification, but differ from one another in species. *Species* are those divisions which are included under the classes from which they are derived; and all names of classes or species must be accompanied with definitions to express their meaning. A definition, you know, is a concise and strictly exact statement of the qualities proper to that thing which we wish to define. I would quote in- 190
stances to show what I mean, were I not fully alive to the nature of the audience I am addressing. As it is, I will state in one sentence the object I have in view. If I am allowed to carry out a long-cherished purpose, or if some one else forestalls me owing to my many engagements, or completes the work in event of my death—if, I mean, he makes a digest, first of all, of the civil law according to the different classes of case (which are really very few), then distinguishes the different organic divisions, so to speak, of these classes, adding, finally, the definition significant of the exact nature of each class or division, then you will have a complete system of civil law, whose difficulty and obscurity will be nothing compared with the magnitude and wealth of its utility. And meanwhile, until 191
all this scattered material is brought together, the student may, after all, by expatiating freely, and collecting information from every possible source, fill his mind with a very fair knowledge of civil law.

HERE is an instance in point. Caius Aculeo who XLIII
still lives with me as he always has, a member of the equestrian order, a man of singularly acute

intellect, though with little general culture, has such a mastery of civil law that with the exception of our friend here, none of our most expert lawyers can be
192 named before him. For really the whole subject lies at our very doors, is closely connected with our daily experience and our intercourse with our fellow-men in public life. It is not wrapped up in a great body of literature or in ponderous tomes; for the first publications, though by several authors, were really the same, and these with a few verbal changes have been re-written again and again even by the same authors.
193 Besides this, to add to the facility of understanding and mastering the subject, the study itself, though most people little think it, has a really wonderful charm and interest. For if a man is an admirer of the pursuits which Ælius[1] has brought into fashion, he will find everywhere in the civil law, in the books of the pontiffs, and in the XII Tables, a complete picture of antiquity, in so far as the original forms of words may be studied there, and certain kinds of procedure illustrate the life and manners of our ancestors. If he is a student of political science, which Scævola thinks is not the province of the orator but of some one belonging to another class in the world of learning, all such science he will find comprised in the XII Tables, with a description of all the different provisions and departments of state administration. If he is a follower of great and glorious philosophy, I will even

[1] The reference here is to L. Ælius Stilo, who gave lectures on Latin literature and language. He was one of the leading *grammatici*. (Cf. § 10 *supra*.)

venture to say that here, in the sources supplied by civil law and the statutes, he has the material for all his philosophical discussions. For it is from the 194
laws that we not only perceive that personal merit is the one thing needful, since true worth and upright and honourable toil are decorated with titles, rewards, and glory, while the vices and crimes of men are punished by fines, degradation, bonds, stripes, banishment, and death; but we are also taught, not by endless polemical discussions, but by the authority and sanction of the law, to hold our appetites in check, to restrain all our passions, to protect what is our own, to keep our thoughts, eyes, and hands, from what belongs to others.

PEOPLE may cry out as they will, but I will say XLIV
what I think; I do verily believe that the 195
single book of the XII Tables, if one has regard to the sources and origin of all laws, is superior to whole libraries of philosophy both in weight of authority and
in richness of utility. And if, as is our bounden duty, 196
we are touched by feelings of patriotism, a motive whose natural force is so great that the wisest of heroes preferred his dear home in Ithaca, perched as a nest among the ruggedest of rocks, to immortality, what ought our love, our enthusiasm, to be for such a country as our own, which is the chosen home, in all the world, of valour, empire, and all worthiness? And before all things we ought to be familiar with its spirit, its customs, and its constitution, partly because it is the parent of us all, partly because we cannot but be-

lieve that the wisdom which framed its laws was as profound as that which has established its imperial
197 greatness. From the study of law also you will reap another pleasure and delight. You will then realise more easily how vastly superior in statesmanship our ancestors were to the politicians of the other nations of the world, if you will compare the laws of Rome with the legislation of Lycurgus, Draco, and Solon in Greece. Indeed you would scarcely believe how crude, how absurd, I may say, all civil law is compared with the Roman system. This is a favourite topic of mine in ordinary conversation when I am insisting on the superiority of the statesmen of Rome over those of other nations, and Greece especially. These are the reasons, Scævola, why I said that for any who wished to make themselves perfect orators, a knowledge of civil law was absolutely indispensable.

XLV
198 LET me pass now to another point. How much honour, influence and dignity this knowledge brings to those who are its leading representatives, no one needs to be reminded. Consequently, whereas in Greece men of the lowest rank for a miserable fee act as assistants to the speakers in the courts, *πραγματικοί* (attorneys) as they are called, in our country on the other hand the service is performed by the most distinguished and honourable men, such as he was, for instance, who because of his knowledge of this subject was styled by our greatest poet "a man ful riche of excellence, Ælius Sextus war and wys," and many others who, having won respect by title of their ability,

exercised an authority by title of their position as jurisconsults which was even more commanding than their ability. With a view moreover to relieving the 199
solitude and dulness of old age, what more honourable resource can there be than the interpretation of the law? For my own part from my first entrance into manhood I have been careful to secure myself this support, not merely for the practical needs of the law-courts, but also as a grace and ornament for my declining years, that when my strength begins to fail me, a time which is now coming on apace, I may be spared the otherwise inevitable solitude of my home life. For surely it is a signal distinction for an old man who has served his country in the high offices of state to be able, and fully entitled, to say with the Pythian Apollo in the poem of Ennius, that he is the source whence his own countrymen, at all events, if not "nations and kings, seek counsel for themselves,"

> "Uncertain of their weal; whom by my aid
> Assured and rich in rede I send away,
> Not blindly now to try a troublous task;"

for we may without fear of contradiction describe the 200
house of the jurisconsult as the oracular shrine of the whole city. Witness the door and entrance court of our friend here, Quintus Mucius, which in spite of his enfeebled health and advanced age is daily crowded with a vast concourse of citizens, including men of the highest rank and distinction.

IT does not need many more words to show why I XLVI
consider that the orator ought to be quite familiar 201
with public law also, which specially concerns the state

in its imperial capacity, as well as with the records of history and memorials of antiquity. For, as in cases and trials where private interests are concerned, the orator must often draw upon the civil law for his matter, and therefore, as I have already said, a knowledge of this branch of law is indispensable to him, so in public causes, whether in the courts of justice, the national assembly, or the senate, all these records of antiquity, the precedents of the public law, the principles and science of government ought to be at the command of the political speaker as material to
202 draw upon. For the character we are endeavouring to portray in our present discussion is not some bawling ranter of an attorney, but the man who, in the first place, is high-priest of an art for which we have by nature many qualifications, though the gift itself has been vouchsafed, as we believe, by Providence alone, in order that a power which is peculiar to man as man, might be regarded not as the acquisition of our own skill but as the result of direct inspiration; who, in the second place, can move with safety even among the weapons of the enemy, by virtue not of his official wand but of the simple name of orator; thirdly, who can by his eloquence expose the crimes and wickedness of the guilty to the hatred of their fellow-countrymen and bring them within the toils of punishment, who can by the buckler of his talents save innocence from the penalties of the law, who can rouse an indifferent and mistaken nation to a sense of honour or turn them from the path of error, who can kindle their indignation against treason or calm them when provoked

with virtue, who, in short, whatever may be the state of feeling demanded by the circumstances of the case, can either arouse or soothe the hearts of his audience
by his words. If any one imagines that a full account 203
of such a power as this either has been given by the writers on the art of rhetoric, or can be given by me in so brief a space, he labours under a grievous mistake, and fails to appreciate not only the extent of my ignorance, but much more the real magnitude of the subject. For my part I have, since such was your desire, thought it my duty to point out to you the sources from which you may draw and the paths that lead to them, not with any intention of guiding you thither myself, which would be an endless and unnecessary labour, but merely to put you on the right track, like a man pointing out a spring to a wayfarer.'

SCÆVOLA: 'You seem to me to have done quite XLVII
enough and to spare for the studies of our 204
young friends, if they are really in earnest about the matter; for as we are told Socrates used to say that his work was done if he had succeeded in rousing any one by his exhortations to a desire for the knowledge and realisation of virtue, for that, when men were once persuaded to set their hearts on nothing else but the attainment of virtue, the rest of the lesson was easy enough; in the same way, so far as I can see, if you will only enter upon the task which Crassus has opened out before you by his remarks, you will very easily attain the object of your desire through
"the door" which now lies open before you.' *Sulpicius*: 205

'Yes, we are very grateful to you, Crassus, for what you have said, and have been deeply interested. But we still desire a little more information from you, and especially on those points which you touched upon so very briefly in connection with the special art of rhetoric, though you admitted that you attached some importance to such rules, and in fact had studied them yourself. If you will only speak a little more fully on these, you will completely satisfy the desire which we have so long and so eagerly entertained. As it is, we have been told what we ought to aim at, which in itself is, after all, no slight thing; but we still desire to know the
206 system and methods of the study.' *Crassus*: 'Supposing then, since I have already, in order to keep you with me, consulted rather your wishes than my own habits and natural inclinations, we ask Antonius to unfold to us the secrets which he keeps to himself and has not yet given to the world, of which he complained a while ago that one little pamphlet had already slipped out of his possession, and to reveal to us the mysteries of the orator's craft.' *Sulpicius*: 'Just as you please; for even if Antonius is the speaker, we shall still perceive
207 what you think of the matter.' *Crassus*: 'Well then, since the burden is laid on our old shoulders, Antonius, by these enthusiastic young men, I ask you to tell us what you think on this subject on which you see they look to you for information.'

XLVIII ANTONIUS: 'It is painfully evident to me that I am caught in a trap, not only because I am expected to speak on a subject on which I have neither

knowledge nor experience, but because our friends do
not permit me to avoid on this occasion what I always
fight very shy of in the law-courts, speaking, that is,
immediately after you, Crassus. I will, however, at- 208
tempt the task you lay upon me, with the more con-
fidence because I hope my experience will be the same
in this debate as it always is in public-speaking; no
one, that is, will expect any flowers of rhetoric from
me. For I have no intention of speaking about the
art, which I have never studied, but only about my
own practice. And indeed those hints which I jotted
down in my pamphlet, I may describe not as the out-
come of any theoretical teaching, but as having been
tested by actual practice in the courts. If my remarks
do not command the approval of your excellent learn-
ing, you must throw the blame on your own impor-
tunity who have asked me for a deliverance on a subject
of which I have no knowledge, while you must com-
mend my good-nature for having graciously answered
your questions against my own better judgment and to
humour your desire.' *Crassus*: 'Pray proceed, Antonius; 209
for there is no danger of your speaking otherwise than
with such wisdom that none of us will feel any regret
at having urged you to discourse on this subject.'
Antonius: 'Well, I will begin with that which I hold
ought to come first in all discussions, a clear statement
of what is the subject of the discussion, that there may
be no necessity for a speaker to digress and wander from
his subject, as there must be if the disputants have not
formed the same conception of the point at issue be-
tween them. If we had happened to be discussing 210

the art of generalship, I should have thought it necessary first of all to define the term *general*; and having defined the general as the man who is responsible for the management of a war, we should then have proceeded to speak about forces, camps, marches, engagements, and sieges, about the commissariat, about ambuscades, how they are to be laid and how avoided, and everything else which forms an integral part of the conduct of a war. Those who in all these departments have the master's mind and knowledge I should have said were generals, and I should have referred to instances of men like Africanus or Maximus, naming also Epaminondas and Hannibal,
211 and others of the same type. If again we had been discussing the character of the man who devotes all his experience, knowledge, and effort to the guidance of the state, I should have defined him as one who, understanding the means by which a country's interests are served and advanced, and employing these means, is worthy of being regarded as the helmsman of the state and the initiator of the national policy; and I should have cited as instances Publius Lentulus, the famous Princeps Senatus, Tiberius Gracchus, the elder, Quintus Metellus, Publius Africanus, Caius Lælius, and very many others, not only from Roman history, but
212 from that of other countries. If again the question had been who was to be rightly called a jurisconsult, I should have said the man who is learned in the laws and unwritten usages observed by private citizens in their social relations, who can give an opinion to a client, instruct him in the conduct of a case, and

protect his interests, and I should have mentioned Sextus Ælius, Manius Manilius, and Publius Mucius, as instances of men of this description.

AND then, to come to the study of the lighter arts, XLIX
if the musician, the grammarian, or the poet were to be in question, I could state in a similar way what each of them professes, and the utmost that is to be expected from each of them. Of the philosopher, finally, who in the pride of his peculiar wisdom professes little short of omniscience, we may still give a sort of definition; we may apply the title to the man whose aim it is to know the meaning, nature, and causes of all things human and divine, and to understand and
realise in practice the whole theory of morality. Now 213
the orator, since it is he that we are considering, I do not define as Crassus did, who seemed to me to include under the single function and title of the orator all knowledge on all subjects and sciences. On the contrary, I conceive of him as the man who in all questions, such as commonly arise in public life, can command at once language to which it is pleasant to listen, and sentiments which are calculated to convince. This is the man I call an orator, and I expect him also to have a good voice and delivery and a certain gift of
humour. Our friend Crassus, however, seemed to me to 214
go near to defining the range of the orator's power, not by the proper limits of the art, but by the boundless capacities of his own genius. For he was in favour of putting into the hands of the orator the helm of civil government; and in this connection it did seem very

strange to me, that you, Scævola, should acquiesce in such a claim, seeing that over and over again the senate has taken your advice on questions of the utmost importance, though you have spoken but briefly and quite simply. If that great expert in state affairs, Marcus Scaurus, who is in the neighbourhood, I am told, at his country residence, were to hear that the influence due only to a man of his high character and profound wisdom is claimed by you, Crassus (as is implied in your statement that this is the special province of the orator), he would come here, I expect, at once, and would terrify our loquacity into silence by a mere look of his eye; for though he is by no means contemptible as a speaker, he relies more on his sagacity in high
215 matters of state than on any oratorical skill. And then again, given that a man has ability in both directions, it does not follow either that the leader in the councils of the nation and the good senator is simply for that reason an orator; or that the able and eloquent orator, if he is also an authority on state-administration, has acquired that knowledge by his ability as a speaker. There is really little in common between these two faculties; indeed they are quite distinct and separate one from the other; nor did Marcus Cato, Publius Africanus, Quintus Metellus, and Caius Lælius, who were all real orators, employ the same means to improve their own eloquence and to exalt the honour of their country.

L THERE is nothing, you know, either in the nature of things, or in any law or tradition, to prevent any individual mastering more than one branch of

knowledge. And for this reason it does not follow 216
because Pericles was the greatest orator of his time at Athens, and at the same time the guiding spirit in the councils of the nation for many years, that we ought therefore to consider both these faculties to be characteristic of the same individual and the same branch of knowledge. Nor, again, because Publius Crassus was at once an orator and learned in the law, does it follow that a faculty of speaking implies also a
knowledge of civil law. For if a combination, in any 217
one man, of excellence in some special branch of knowledge or faculty with skill in some other branch, is to force us to the conclusion that the additional accomplishment is an essential element in that in which he shows his excellence, then we may on that principle assert that to play well at ball or backgammon is one of the characteristics of the lawyer, since Publius Mucius was an excellent hand at both these games. And by parity of reasoning we may say that those philosophers whom the Greeks call physicists were also poets, since Empedocles the physicist was the author of a noble poem. Why, not even the moral philosophers, who claim not only their special subject, but all others, as their own by title of possession, go so far as to assert that geometry or music is part of the equipment of the philosopher because of the universal admission that Plato had exceptional attainments in
both. And, surely, if we are still determined to credit 218
the orator with all accomplishments, it is less objectionable to limit our statement of his merits thus:— since the faculty of speaking should not be arid or un-

adorned, but flavoured or relieved by a certain charm of variety and diversity, the ideal orator may be expected to have heard much, and to have seen much, to have expatiated freely in the region of thought and reflection and in the field of literature, though not to have harvested the fruits as his own possessions, but to have enjoyed them by the kindness of others. For I quite admit that in his profession he must show himself a man of parts, in no subject a mere novice or a fool; he must have made excursions into all subjects and be a stranger in none.

LI
219 NOR, again, am I much disconcerted by what you said just now with a moving air of passion, such as we are familiar with in the philosophers, that no speaker can possibly excite the feelings of his audience or allay their excitement (this being the sphere in which the real force and greatness of the orator is most truly seen), except one who has a thorough understanding of all the laws of nature, the character and motives of men, and that this implies that a knowledge of philosophy is absolutely indispensable to the orator; a pursuit in which we know that men even of the highest abilities and most abundant leisure have spent their whole lives. Now I have no wish to make little of the wide learning of these men, or to depreciate the greatness of the subject; on the contrary, I have an immense admiration for both. But for us who take an active part in the politics of this great nation, it is enough to have such knowledge and use such language about the emotions as is not inconsistent with the

ordinary ways of men. What great and powerful 220
speaker, if he wished to arouse the anger of the judge against an opponent, ever hesitated for a moment, simply because he did not know what anger was, whether it was a passion of the mind or a desire to avenge a wrong? Or who, when desirous of stirring and awaking the other emotions either in a jury or a popular audience, ever indulged in the commonplaces of the philosophers? some of whom maintain that the mind ought to be entirely free from passion, and that those who would arouse passion in the breasts of a jury are guilty of an abominable crime; while others, who affect a greater tolerance and a closer sympathy with the realities of life, maintain that such feelings ought to be very slight or rather mere passing moods.
The language of the orator, however, is directed to 221
exaggerating and intensifying the horror of those evils which in ordinary life are regarded as ills to be avoided, and in the same way to magnifying and enhancing the value of those good things which are popularly regarded as blessings to be desired. He does not wish to appear such a profound philosopher in a world of fools as that his audience will either think him a wretched pedant of a Greek, or else, even supposing they greatly applaud his ability, will, while they wonder at the speaker's learning, feel annoyed at being so
ignorant themselves. But he is so familiar with all 222
the by-ways of their minds; he touches so skilfully all the stops of human thought and feeling, that he has no need for the definitions of philosophy, or to waste words in discussing whether the *summum bonum* is a

mental or physical good; whether it is to be defined in terms of virtue or of pleasure, or whether it may not consist in an union and combination of the two; or whether, again, as some have held, nothing can be known with certainty, nothing be absolutely understood and apprehended. On all such questions, I admit, great and
223 varied learning has been expended, and there is a large number of conflicting and interesting theories; but it is something else, something very different, Crassus, of which we are in search. What we want is a man of clear intelligence, of good parts both natural and acquired, able to detect with unerring sagacity what are the thoughts, feelings, opinions, and expectations of his own fellow-citizens, or any audience of men whom he wishes to convince by the power of his words.

LII HE must have his finger on the pulse of every class, age, and rank, and must divine the thoughts and feelings of those before whom he is
224 going to speak, or is likely to have to do so. But the writings of the philosophers let him reserve for his delight against such a time of quiet retirement as we are now enjoying at Tusculum, that he may not be tempted to borrow from Plato, if at any time he has to speak on justice and honesty. For Plato, when he felt called upon to give expression to his theories on these subjects, portrayed in his pages a quite imaginary state; so utterly at variance with ordinary life and social manners was his conception of what ought to be said
225 on the question of justice. Why, if his theories held good among nations and communities, who would have

allowed a citizen of the highest repute and distinction, a leading statesmen like you, Crassus, to say what you did at a mass meeting of your fellow-countrymen?—"Deliver us from our miseries; deliver us from the jaws of those whose cruelty can be satiated only with our blood; suffer us not to be the slaves of any, save of you who form the nation, whose slaves we may and ought to be." I say nothing about the "miseries" in which, according to the philosophers, the true man cannot be involved; I say nothing about the "jaws" from which you desire to be "delivered" that your blood may not be sucked out of you by an unjust sentence, which they say cannot be passed upon the philosopher; but "slaves,"—that not only you, but the whole senate, whose cause you were then pleading,
were slaves, how durst you say that? Can virtue be a 226
slave, Crassus, if we are to believe those whose teachings you include in the province of the orator—virtue which alone and always is free, and which, even though our bodies were taken prisoners in war or fettered in chains, must even so maintain its rights and its complete and untrammelled liberty of action? Your last words, however, that the senate not only "may" but "ought to be" the slaves of the nation, is there any philosophy, however easy-going and indifferent, however sensuous and hedonistic, that could possibly sanction the sentiment of the senate being the slaves of the nation—the senate to which the nation itself has intrusted the reins of government for its own better guidance and control?

LIII
227 CONSEQUENTLY, though I myself thought your speech was most admirable, Publius Rutilius Rufus, who is a most devoted student of philosophy, used to say it was not merely injudicious, but absolutely and scandalously immoral. He also used to find very grave fault with Servius Galba (whom he said he could very well remember) for having appealed to the feelings of the populace when Lucius Scribonius was moving for a criminal inquiry into his conduct, and Marcus Cato, his stern and implacable rival, had spoken of him in harsh and violent language before the national assembly. The actual speech Cato published after-
228 wards in his *Origines*. Well, Rutilius found fault with Galba, because he all but lifted on to his shoulders his ward Quintus, the son of his kinsman Caius Sulpicius Gallus, that the sight of him might move the populace to tears by awakening their recollections of the boy's illustrious father, and commended his own two little sons to the protection of the nation, and then, as if he were making his will on the eve of battle without the due formalities of law, declared that he named the Roman people as the guardians of their orphanhood. Thus, though Galba was at the time labouring under a cloud of unpopularity and universal hatred, he won a verdict of acquittal, Rutilius used to assert, by these moving tricks of tragedy; and I find it stated in Cato's book in so many words, "that he would have been brought to justice if it had not been for the children and the tears." Such proceedings Rutilius severely censured; and exile or death, he used to say, was
229 preferable to such abject humiliation. Nor did he

merely say so; it was his honest conviction and he acted up to it. For though the man was, as you all know, a model of innocence, and though there was not a more upright or a purer citizen in Rome, he not only refused to appeal to the mercy of his judges, but would not even have his cause pleaded with greater eloquence or at greater length than the simple facts of the case allowed. A mere fraction of his defence was intrusted to our friend Cotta, though a most able young advocate, and own sister's son of the accused. Some portion also of the case was conducted by Quintus Mucius, after his manner, without any parade of eloquence, in terse and perspicuous language. Whereas, if you had spoken on 230
the occasion, Crassus, you who were just now saying that the orator must draw on the discussions of the philosophers to supply himself with matter for his speeches, and if you had been allowed to plead for Rutilius, not in the style of the philosophers, but in your own, why, then, however infamous his judges had been—and infamous indeed they were, plague-spots on society and worthy of condign punishment—yet even so, the force of your eloquence would have plucked the spirit of cruelty out of their very hearts' core. As it is, the country has lost the services of this worthy man, because his cause was pleaded on principles applicable to proceedings in Plato's imaginary commonwealth. Not one of his supporters gave vent to groan or exclamation, not one felt any grief, not one protested, not one invoked the honour of the state, not one asked for mercy; in a word, not one even stamped his foot in court, for fear, I suppose, of some one carrying tales to the Stoics.

LIV 231 HERE, in a past consul of Rome, we have repeated the old story of Socrates, who, being the wisest of men, and having led a perfectly blameless life, adopted such a line of defence when on trial for his life, that he might well have been the instructor or master of his judges instead of a prisoner at the bar, dependent on their mercy. Besides this, when that most accomplished orator, Lysias, brought him a written speech to learn by heart, if he thought well, and deliver in his defence in court, he read it with some pleasure, and pronounced it a skilful composition, adding, however, "Just as if you had brought me a pair of Sicyonian shoes, I should not wear them, however comfortable they might be, or however good a fit, because they would be unmanly; so this speech of yours seems to me able enough and worthy of your art, but not manly and courageous." Thus he too was condemned; and that not only at the first voting when the court merely decided on the question of guilty or not guilty, but also at the second voting, which was required by
232 law. At Athens, you know, on the prisoner being found guilty, if the charge was not a capital one, there followed a sort of assessment of the penalty; and when the judges were called upon to give their decision, the prisoner was asked what penalty at most he admitted that he deserved. When the question was put to Socrates, he answered that he deserved to receive the highest honours and rewards, and to have daily maintenance given him in the Prytaneum at the charges of the state, a distinction which the Greeks think is
233 the greatest that can be conferred. This answer so

exasperated his judges that they condemned the most innocent of men to death. If, indeed, he had been acquitted (which, though the matter does not concern us, I heartily wish had been the case because of the marvellous genius of the man), we should have found the arrogance of the philosophers quite unbearable, for, even as it is, in spite of his condemnation for no other fault of his own except his deficient skill in speaking, they persist in saying that we must come to philosophy to learn the rules of oratory. I will not dispute with them which of the two pursuits is the superior or the more genuine; all I say is, that philosophy is one thing and oratory another, and that perfection in the latter can be attained without the aid of the former.

NOW, I see what was your object, Crassus, in making so much of the study of civil law; in fact I LV 234
saw it at the time. In the first place, it was by way of a compliment to Scævola, whom we are all bound to love, as he most richly deserves for his singular kindliness; you saw his muse was undowered and unadorned, and you enriched and embellished her with the dowry of your eloquence. Secondly, as you had spent a disproportionate amount of labour and industry on the subject, having always had a master at your elbow to encourage you in the study, you were afraid you might prove to have wasted your pains, if you did not magnify the science of your choice by combining it with eloquence. For my part I have no quarrel with 235
this branch of knowledge any more than with

philosophy. Let it have all the value you would give to it; for indeed it is, beyond all question, of great importance, has a wide range, affects numerous interests, has always been highly thought of, and the most distinguished men of our day, as at other times, are at the head of the legal profession. But are you not in danger, Crassus, of robbing and denuding the science of its own admitted and traditional distinction, in your anxiety to trick it out in a hitherto unheard-of
236 and alien dress? If your assertion had been that the jurisconsult was an orator, and similarly that the orator was also a jurisconsult, that would have been a recognition of two noble professions, parallel to one another and equally honourable. As it is, you admit that there can be, and indeed have been, numerous jurisconsults without that ideal eloquence which we are now discussing; but an orator, you assert, no one can be, unless he has also mastered the science of the law. Thus in your eyes the jurisconsult pure and simple is nothing but a sharp and wary attorney, a mere clerk of procedure, a man who has certain cant formulæ on his tongue, a master of verbal traps; but because the orator often appeals to the law in the exercise of his profession, you have therefore attached a knowledge of civil law to him as a sort of handmaid or lackey.

LVI THEN you expressed astonishment at the im-
237 pertinence of those advocates who either in spite of their ignorance on small points of law made great professions, or ventured to deal in court with the most important questions of civil law, although they

knew nothing about them and had never studied them. But in either case there is an easy and obvious justification. For neither is it any matter of surprise that a man, who does not know the exact form of words used in civil marriages, should be able to act as counsel for a woman who has been so married; nor, again, because the same kind of knowledge is required in steering a small as a large vessel, does it follow that the man who does not know the formulæ necessary in a demand for the division of an inheritance, is not qualified to conduct a suit for the division of an
estate. So, too, as to the very important cases which 238
you quoted, that come before the centumviri and depend on a point of law, which of all these, I should like to know, was such that it could not have been admirably conducted by an eloquent advocate without any knowledge of law? Indeed in all these cases, as, for instance, even in that of Manius Curius, when you were counsel for the claimant, and in the suit of Caius Hostilius Mancinus, and in the case of the son born of the second wife without the first having been formally divorced, the most learned lawyers were
absolutely disagreed on the question of law. I would 239
ask, therefore, what help to the speaker was a knowledge of law in these cases where the victory was sure to be on the side of the lawyer who had been supported not by his professional skill, but by borrowed aid; that is, not by legal knowledge but by eloquence? Here is a story I have often heard. When Publius Crassus was standing for the ædileship, and the elder Servius Galba, who had already filled

the office of consul, was accompanying him on his canvass (because a marriage had been arranged between his son Caius and the daughter of Crassus), a farmer in need of legal advice accosted Crassus, and having taken him aside and laid his difficulty before him, received an answer from him, very correct no doubt, but not equally favourable for his purpose. Galba, seeing the man was disappointed, addressed him by name, and asked him what was the difficulty he had put to Crassus. When the man told him his trouble with evident signs of distress, he exclaimed, "Oh! I see Crassus has answered you absently with his mind full of other things." He then laid his hand on Crassus's shoulder and said to him, "My dear friend, what possessed you to give the man
240 this answer?" Crassus, with all the confidence of the practised lawyer, affirmed that the case was as he had advised, and there could not be two opinions about it. Galba, however, playfully quoted, with much variety of illustration, many analogous cases, and enlarged on the matter from the point of view of equity as opposed to the strict law, until at last Crassus, we are told, being no match for his friend in argument—although he was admittedly an able speaker, but by no means on the same level with Galba—took refuge in authorities, substantiating his opinion by quotations from the work of his brother, Quintus Mucius, and the commentary of Ælius Sextus; in the end, however, he admitted that Galba's contention seemed to him plausible and possibly correct.

AND after all, cases which are of such a nature LVII
that there can be no doubt about the legal 241
aspect of them are not, as a rule, brought into court. Who, for instance, ever claimed a property under a will made by the head of a family before a son was born to him? No one of course, for it goes without saying that a will is cancelled by the subsequent birth of a son and heir; consequently there are no suits involving a legal issue of this kind. The orator, therefore, may safely ignore all this field of uncontested law, which, beyond all question, forms the largest portion of
the subject. But when the law is a matter of dispute 242
among the greatest authorities, it is very easy for the orator to find one of them in favour of the line of argument he may decide to adopt; and when he has got all his bolts in proper trim from him, he will be able to hurl them at his adversary with all the force and energy of the orator. Unless, of course—and I hope my very good friend here will not be offended by the remark—it was by help of the treatises of Scævola, or the maxims of your father-in-law, that you pleaded the cause of Manius Curius, and did not rather seize the opportunity of striking a blow for equity, and upholding
the sanctity of wills and the last wishes of the dead. 243
Indeed, in my opinion—and I often came into court to listen—you won the great majority of the votes by the polished brilliancy of your wit and by your sparkling humour, making fun of your opponent's excessive ingenuity and speaking with bated breath of the cleverness of Scævola, who had discovered that birth was a necessary preliminary to the grave, and producing

instance after instance from laws, resolutions of the senate, the ordinary conversation of society, selected not only with skill, but with much humour and sense of the ridiculous, where things would come to a deadlock if we insisted on the letter to the neglect of the plain meaning. The consequence was, the court was a scene of delight and amusement; and what good all your training in civil law did you, I fail to perceive—what won you the case was a combination of striking eloquence with
244 excellent pleasantry and charm of manner. Why, even Mucius himself, as the champion of the legal profession, a position to which he has succeeded as his father's son, —did he, as counsel for the opposite party in that case, urge any plea derived from the enactments of the civil law? Did he quote a single statute? did he in the course of his speech explain anything that had hitherto been a mystery to the lay mind? His whole speech, surely, was based on the contention that the letter of
245 a document ought to be of paramount weight. But it is just questions of this kind that form the staple of our school exercises, in which the pupils are taught, in similar cases, sometimes to plead for the letter of the law, at others for the equitable interpretation of it. In the case, too, of the soldier, I suppose, if you had been counsel either for the heir or the soldier, you would have trusted to the 'Forms of Legal Procedure' by Hostilius, and not to your own wits and oratorical ability. I am sure, if you had appeared for the party claiming by the will, you would have so handled the case as to make us believe that the sacred rights of all wills whatsoever were involved in that particular suit. If

you had been pleading for the soldier, you would, in your usual way, have called his father from the grave; you would have set him alive before our eyes; he would have embraced his son, and with tears commended him to the mercy of the court; you would, I dare aver, have wrung tears and lamentations from the very stones, and have made the whole clause *Uti lingua nuncupassit* (as the tongue has uttered, etc.) appear a mere quotation from a schoolmaster's text-book, instead of being as it is an enactment of the XII Tables, which you say that you prefer to all the libraries in the world.

THEN, again, you find fault with the indolence of LVIII
our young men for not learning your favourite 246
science by heart; in the first place, because it is so easy. How easy it is, I will leave those to say who strut about in all the pride and confidence of their profession just as though it were very difficult; and you yourself, too, should have something to say on this point, who talk about the ease of mastering a science which you admit is not yet a science at all, but at some future day, if some one first learns some other science which will enable him to put this one on a scientific basis, may then become a science. Your second reason was because it is so interesting. As to this, all make you perfectly free of any pleasure you find in it, and are quite ready to forego it themselves; and there is not one of our young students who, if he should have to learn something by heart, would not select the Teucer of Pacuvius in preference to Manilius's 'Formulæ for

247 the Sale of Saleables.' Another reason you give is, that motives of patriotism ought to induce us to make ourselves acquainted with the creations of our forefathers; but do you not see that our old laws either have become obsolete by sheer antiquity or have been removed by more recent legislation? As to your fancy that men are made good by the civil law, because by its enactments rewards are assigned to virtue and penalties to vice, I used to suppose that men were taught virtue—if, that is, virtue can be taught on any system—by instruction and persuasion, not by menaces and physical force, or the fear of them. One thing, at all events, we can find out without any study of law, and that is, the
248 charm of avoiding evil. As for myself, the one man whom you admit to be capable of doing justice to a case without a knowledge of law, my answer to you on this point, Crassus, is, that it is true I never studied the subject, but then I never felt the want of such knowledge, even in those causes which I found myself able to plead before the prætor; for it is one thing to be a master in some special branch of knowledge, and quite another to be wanting neither in appreciation nor in experience of the general usage of men in their ordinary
249 life. Which of us, for instance, has much opportunity of visiting his estates or inspecting his farms, whether for business purposes or for pleasure? Yet none of us goes through life without using his eyes and wits enough to know something about seed-time and harvest, the pruning of vines and other trees, the proper seasons of the year for doing these things, and the proper methods. Supposing a man, then, has to

inspect his estate, or give some instruction to his agent, or orders to his steward on the farming of his land, must he learn by heart the works of Mago the Carthaginian? May we not rather content ourselves with such common-sense as we all have on such matters? Why, then, may we not also in this matter of civil law, especially considering the wear and tear of our profession and the occupations of public life, be content with such equipment as will at any rate secure us from seeming to have merely a foreigner's acquaint-
ance with our own country? And, if, after all, our 250
services should be required for some unusually knotty case, it would not be very difficult, I imagine, to communicate with our friend Scævola here,—though the parties concerned, you must remember, put us in possession of all the legal opinions and the difficulties of their case. Granted that the necessities of our profession compel us to master intricate and often difficult problems, a question of evidence, perhaps, or of boundaries when we are engaged in a case of disputed ownership, or of mercantile accounts and receipts, is there really any danger that, if we have to make ourselves acquainted with the laws or professional opinions, we shall not be able to do so, unless we have studied civil law from our youth?

IS, then, a knowledge of law of no service to the LIX
orator? I would not venture to say that any branch of knowledge is of no service, especially to one whose eloquence ought to be equipped with a wealth of matter; but the accomplishments indispensable for

the orator are so many, so great, and so difficult, that I am no advocate for dissipating his energies on more
251 subjects than are necessary. No one would for a moment deny that in the matter of oratorical action and deportment the orator ought to have the gestures and grace of a Roscius. Yet no one would advise a young aspirant to oratorical fame to devote the pains that actors do to the study of action. Another absolute necessity for an orator is a good voice. But no student of oratory will, on my recommendation, give the same servile attention to his voice as the tragic actors of Greece, who not only practise sedentary declamation for several years, but as a daily exercise before playing in public, lie on a sofa and gradually raise the pitch of their voice, and then, after the performance is over, sit down, and drop their voice again from the highest to the lowest note by way of recruiting it. If we took it into our heads to do this, our clients would be condemned before we could recite our Pæan, or our hymn, the prescribed number
252 of times. Well, then, if we are not in a position to devote special attention to action, which is of great assistance to an orator, and to the voice, which is the one thing above all others that sets off and supports a speaker's eloquence, but can only attain to a success in each commensurate with the leisure that is given us amid the round of our daily avocations, how much less should we be justified in diverting our energies to the task of learning civil law? Of this we can get a general notion without any special study, and it also differs from the other things I have mentioned

in this respect; that whereas voice and action are not things that can be picked up in a moment, or borrowed for the occasion, a workable knowledge of the law for any particular case can always be got at the shortest notice either from the lawyers or the law-books. And this is why those eminent speakers 253
to whom you referred employ assistants in their cases who are learned in the law, being themselves totally ignorant of it—the persons who, as you just now observed, are called attorneys; though the Roman custom is far superior, whereby the statutes and laws are protected by the authority of our most illustrious citizens. Anyhow the Greeks, if they had considered it necessary, would not have failed to have the orator instructed in civil law, instead of attaching an attorney to him as assistant.

AGAIN, you assert that old age is saved from LX
solitude by a knowledge of civil law; but per- 254
haps a man's balance at the bank may have a similar effect. At any rate, the question before us is not what is advantageous for ourselves, but what is necessary for the orator. Though, as we are taking so many points of comparison with the orator from one particular artist, I may remind you that Roscius again is in the habit of telling us that, as he gets older, he will make the flute-player use slower beats and lower notes. If he, bound as he is by a definite law of rhythm and metre, is seriously thinking of some relaxation in view of his failing faculties, how much more easily can we not merely lower our tones, but even

255 alter them entirely? You, Crassus, must be well aware how many different styles of oratory there are,—I may perhaps venture to say that you have set us the example in this matter, as you have for some time adopted a much calmer and less vehement style of speaking than you used to employ; nor does your present quiet and conversational, though very impressive, manner find less favour than your former vehemence and energy. There have been many great speakers, such as, we are told, were Scipio and Lælius, who delivered all their speeches in a tone only a little raised above that of ordinary conversation, and never with all that power of lung and strain of voice which was characteristic of Servius Galba. But supposing you come some day to have neither the power nor inclination even for as much exertion as this, is there any danger, after all your services as a man and a citizen, of your house being deserted by the rest of the world, if it ceases to be the resort of the litigious members of society? For my part, so far am I from sharing in your feelings, that I not only do not think that we must look to the number of those who will apply to us for legal advice as the solace of our old age, but I even look forward to the solitude which you dread as a haven of refuge, my belief being that for our declining years no relief is so delightful
256 as rest. For the other aids to the orator, as I admit them to be,—history, I mean, a knowledge of public law, the records of antiquity, a mastery of precedents,—I shall, if I have occasion for them, apply to my good friend Congus, who has an encyclopædic knowledge of

such things. But I would not dissuade our friends from taking your advice and reading and hearing all they can, and making themselves familiar with every recognised subject of liberal culture; though, to speak the plain truth, I do not think they will have so very much time for doing so, if, that is, they mean to carry out in practice all your recommendations. Indeed it seemed to me that the conditions you imposed upon their young endeavours were almost too severe, though no doubt almost necessary, if they are to attain the goal of their ambition. For the
extempore dissertations on set subjects, the careful 257
and studied essays, and the diligent use of the pen which you very truly said is the one artist and teacher of eloquence, all involve much hard work; and the comparison of one's own efforts with the writings of others, and the extempore criticism of the work of other authors whether by way of praise or censure, of confirmation or refutation, requires no ordinary exertion either of memory to retain or of skill to imitate.

YOUR next demand was literally appalling, and I LXI
am much afraid it may act more powerfully as a 258
deterrent than as an incentive. You expected each one of us to make himself a Roscius in his own profession, and you stated that the approval won by the merits of a speech was not comparable with the permanent disgust created by its defects; whereas my own belief is that our audiences are not nearly as fastidious as
those of the actor. Thus we, I know, are often listened 259
to with the utmost attention, even when we are hoarse,

for the interest of the case is sufficient to hold the audience; whereas Æsopus, if he is a little out of voice, is hissed. For where we look for nothing but the pleasure of the ear, we take offence the moment anything interferes with that pleasure; but in a great speaker there is a variety of qualities to hold our attention, and if they are not all displayed in the highest though most of them in a high degree of perfection, those which are so displayed cannot fail of commanding
260 our admiration. In conclusion, then, to return to the point from which we started, let us regard the orator, according to the definition given by Crassus, as the man who can speak in a manner adapted to win the assent of his audience; but let him limit himself to the ordinary social and public life of civilised communities, and putting all other subjects on one side, however exalted and noble they may be, let him devote laborious nights and days almost exclusively to this one pursuit. Let him follow the example of that great man who is unhesitatingly acknowledged by all to be the chief of orators, the Athenian Demosthenes, whose enthusiasm and perseverance, we are told, were so great that he first of all overcame his natural impediments by careful and unremitting diligence, and though he had such a lisp that he could not pronounce the first letter of the very art which he was studying, succeeded by practice in winning the reputation of being the most distinct of
261 speakers. Moreover, though he suffered much from shortness of breath, he effected such an improvement by holding in his breath while speaking, that in a single rhetorical period, as can be seen in his extant speeches,

we find comprised two raisings and two lowerings of the voice. He also, according to the well-known story, used to put pebbles in his mouth and repeat long extracts from the poets at the top of his voice and in one breath; and that too, not standing still in one position, but while he was walking up and down, and even climbing a steep ascent. By such encouragements as these, 262
Crassus, I heartily agree with you that our young friends should be stimulated to pursue their studies with diligence; but as for the other accomplishments of which you have made a collection from a great diversity of arts and sciences, though you have yourself mastered them all, I cannot but think they are quite distinct from the proper function and province of the orator.'

WHEN Antonius had finished, Sulpicius and Cotta LXII
seemed to be much in doubt as to which of the two discourses came the nearer to the truth of the matter. Finally *Crassus* rejoined: 'You make the orator, we see, merely a sort of dull mechanic, but I 263
am inclined to think you are not giving us your real opinion, but are merely indulging that wonderful trick of refutation in which you have no superior. It is indeed a gift, the exercise of which is a very proper one for the orator, but it is now almost confined to the practice of the philosophers, and more particularly of those who make a habit of arguing with the greatest fluency on either side of any question that may be proposed. I, on the contrary, did not suppose that I 264
was called upon, before the present audience especially,

merely to describe the possible attainments of the man who spends his days in the courts, and never expatiates beyond the necessary limits of the cause he undertakes. I contemplated a nobler ideal, when I gave it as my opinion that the orator, especially in such a state as ours, ought to lack nothing that can adorn his art. You, however, as you have circumscribed the "whole duty" of the orator within strict and narrow limits, will find it all the more easy to answer the questions that have been asked you on the functions of the orator and the rules he must observe. But we will leave that, I think, for to-morrow; we have talked quite enough for
265 to-day. For the present, as Scævola has determined to go to his own villa here, he must rest a little till the heat of the day is overpast; and we too, considering the hour, may well consider our health.' To this all agreed, and then Scævola said: 'I only wish I had not made an appointment with L. Ælius to meet him at my villa to-day; I should much like to hear what Antonius has to say; for (he added with a smile as he rose) he did not so much annoy me by his strictures on my favourite subject, as amuse me by the frank confession of his ignorance of it.'

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